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ABSTRACT

The chapters in this book address a range of issues of interest to school directors, teachers, and parents and are intended to promote discussion about educational alternatives. A basic premise is that in the not-too-distant future, education will be provided where and when students and their parents can best access it, with educational venues and calendars changing. Chapters offer analysis and recommendations and focus on education in Washington state. Chapters are: (1) "School Financing Fundamentals"; (2) "Bilingual Education"; (3) "Educating Highly Capable Students"; (4) "Learning Assistance Program"; (5) "Student Assessment"; (6) "Privatization & Contracting Out"; (7) "Collective Bargaining"; (8) "Class Size"; (9) "School Construction"; (10) "Value Added Assessment"; and (11) "Distance Learning." (EV)

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School Directors' Handbook

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Prepared by the Evergreen Freedom Foundation

School Directors Handbook

Evergreen Freedom Foundation
November 2001

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The Evergreen Freedom Foundation

The Evergreen Freedom Foundation (EFF) is a non-profit, educational research organization. The Foundation's mission is to advance individual liberty, free enterprise and responsible government. EFF staff members conduct research and publish analysis and policy alternatives in the areas of state budgets; governance and citizenship; and health, education and welfare reform.

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Nothing in this publication should be construed as an attempt to aid or hinder the passage of any legislation.

TABLE OF CONTENTS

Introduction v
School Financing Fundamentals .... SF
Bilingual Education .... BL
Educating Highly Capable Students .... HC
Learning Assistance Program .... LA
Student Assessment .... SA
Privatization & Contracting Out .... PC
Collective Bargaining .... CB
Class Size .... CS

INTRODUCTION

At the end of the day, what really matters when it comes to the education of children? After the school doors are locked and the politicians have gone home, do parents really care what credentials their children's teachers have obtained, or how many students are in each class, or how many hours their children sat at a desk, or the condition of the plumbing in their children's school buildings? They care, but only as it relates to whether or not their children are doing well in school.

No matter who we are, we want our children to succeed. We want their generation to do better than ours, and obtaining a quality education is an important cornerstone of their future success. In almost every circumstance, becoming a productive, independent healthy adult requires literacy, and it is the opportunity for literacy that has been promised to every child entering our public education system.

This difficult time in American history clearly illustrates the need for a literate citizenry. Behind the touching displays of patriotism are serious questions. What does it mean to be an American? Why is our system of governance and enterprise so unique? What does freedom of thought, speech and belief mean in America compared to much of the rest of the world? What is required to maintain freedom? These are weighty matters that deserve genuine reflection and debate, the type that can only come from a literate people.

> *For a free country, where the vast majority of people must be depended upon to self-govern wisely, earn their own living, and participate fully as informed citizens, wide-spread illiteracy is just not an option.*

If an additional reminder is necessary as to why literacy matters, we need only to look back at the 2000 presidential election. In the two Florida counties, Miami-Dade and Broward, where the controversial ballots were cast, between one-third and one-half of all adults are functionally illiterate. As *Wall Street Journal* columnist Holman W. Jenkins Jr. said, "People who can't read or write may be capable of making perfectly realistic political judgments, but they're going to have a harder time translating this into a clean ballot."

In 1992, the National Adult Literacy Survey developed classification system to determine the impact of low literacy among adults. The five levels they created are now commonly used to classify adults' literacy skills ranging from Level 1, where adults cannot read well enough to fill out a job application or read a food label, to Level 5, where adults can read, comprehend and assimilate complex material. One in four Americans is considered to be at Level 1. What does this mean? According to the National Institute for Literacy, it means the following:

- **Employment Status**: Adults at Level 1 worked an average of 19 weeks a year, compared to an average of 44 weeks per year for those at Level 5.
- **Income**: Adults at Level 1 earned a median income less than one-third that of adults at Level 5 .
- **Poverty**: Some 43 percent of adults at Level 1 were living in poverty, compared to 4 percent at Level 5.
- **Welfare**: Three out of four food stamp recipients performed at the two lowest literacy levels.
- **Crime**: Seven out of ten prisoners performed at the lowest two literacy levels.

For a free country, where the vast majority of people must be depended upon to self-govern wisely, earn their own living, and participate fully as informed citizens, wide-spread illiteracy is just not an option.

How do we achieve higher levels of literacy for all citizens, beginning with our youth?

Two schools of thought have always existed regarding how best to educate children: the progressive and the classical. Broadly speaking, the progressivist contends that, since children are naturally enthusiastic about learning, most will eventually choose to learn that which is necessary; if not, they can be guided to it. Progressivists believe that the body of necessary knowledge changes frequently making the *process* of learning of equal or greater value than learning facts and knowledge. Higher and lower-order thinking routinely mix regardless of age or academic background. Since knowledge and the methods by which it is disseminated change frequently, it's imperative to the progressivist to centralize content, methods, assessment and delivery systems to ensure uniform results for all children, especially the disadvantaged.

The second philosophy presumes that an identifiable and unchanging base of knowledge and skills exists for all people in all times, and that higher order thinking can only be built on a foundation of rudimentary, unchanging facts and knowledge. Classicists maintain that all young people regardless of age, socioeconomic background or interest level benefit from a specific and progressive course of study. They presume that a principal obligation of primary and secondary education is to transmit essential knowledge and skills through teachers and teaching tools. Though classicists generally agree on academic content and the end goals of education, they differ broadly on the best instructional and delivery systems. Some adamantly maintain that a rigidly structured system is essential; others are quite elastic and eclectic.

In the not-too-distant future, education will be provided where and when students and their parents can best access it.

While remarkable discoveries have been made regarding how students learn and the best instructional strategies to use to teach various types of students, actual academic results are quite unsettling. Students of all socioeconomic backgrounds are underachieving, an outcome of education reform efforts that have too often been based on extrapolation and speculation instead of scientific discovery and documented experience. This may be because the reigning pedagogical and ideological selection falls to the interest groups with the greatest political capital. As a result, our public education system has become, at best, a patchwork of arrangements and traditions; at worst, a treacherous maze.

It is very difficult for school directors to successfully govern. Sentiment from teachers and administrators indicate it's no picnic for them either. We believe significant change in education is not too far around the corner, but that it will likely disturb many people in all ideological camps because of its decentralized nature.

After all, the age of technology has just begun. What children learn, the amount they will absorb and how they will obtain knowledge and skills will change significantly. We should guide this change, but not be afraid of it.

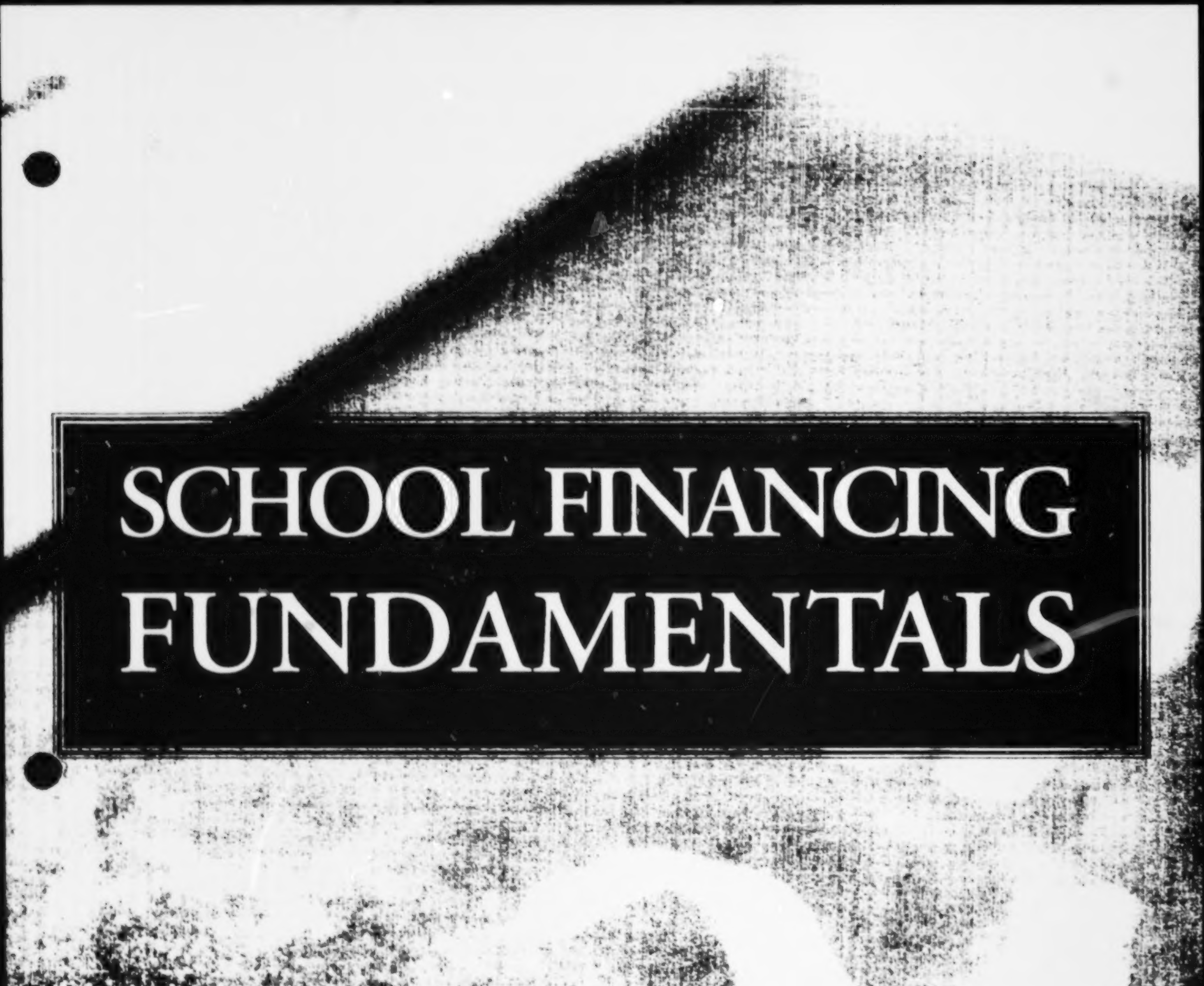
In the not-too-distant future, education will be provided where and when students and their parents can best access it. The venues and calendar will change. Colleges of education are used to arranging education menus and timelines, forcing education consumers to adhere to what the academicians think is best. The time for this patronizing behavior is coming to a close. Remember when the grocery store just sold groceries? Now we can also buy fishing worms, get a flu shot and take home a ready-made dinner. The market responded to consumer needs. The same thing will eventually happen in education.

Schools will have to make more efficient use of resources, and this does not mean blindfolded march toward cost cutting. It means improving student performance by weighing costs and benefits.

When it's all said and done, education reforms that work are not large, wholesale endeavors. Success is achieved in decentralized environments where innovation and experimentation are encouraged, academic essentials are paramount, consumers are king and success by students and educators is rewarded.

The chapters in this book contain just a smattering of issues that matter to school directors, teachers and parents. We hope it will spark discussion about alternatives. This document will be followed with a major study on student assessments as well as a journal chronicling the incredible opportunities for schools and parents provided by distance learning.

Children's time is valuable and so is the heritage of literacy we are duty-bound to leave them. In terms of education, at the end of the day, that's what matters.



SCHOOL FINANCING FUNDAMENTALS

SCHOOL FINANCING FUNDAMENTALS

Former Governor Lowry once said that the most embarrassing policy question he was ever asked was where exactly does all the money go that we collect for K-12 public education. Part of the challenge in answering this question rests with the complicated budget process itself; another rests with the large organizational structure surrounding K-12 public education.

School directors certainly aren't the only people who need to make sense of the budget, and they definitely aren't the only decision-makers when it comes to how the money is spent. But school directors are responsible to provide proper financial management of their districts. Unfortunately, in most districts, the budget process is complex and unwieldy. In fact, when newly elected school directors see their first budget, they often wonder how to make heads or tails of it.

Duties under the Washington State Constitution

Article IX, Sec. 1: Preamble
It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Article IX, Sec. 2: Public School System
The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.

Where do the expenditure and revenue numbers come from and on what assumptions are they based? What are the major budget drivers and the key variables? Is trend data available? Are the central policies adopted based on sound research and best practices? How do we know?

Confusing or not, the budget is the most important document school board members will review during the course of any year. It is through the budget process that priorities are established, refined or scrapped. The budget provides an opportunity to discuss and establish benchmarks and evaluation measures. Understanding how to use the budget as a snapshot of the past and a tool for the future is essential to good management of scarce resources.

Part of the difficulty in understanding how K-12 education is financed is that it is multi-faceted: layers of funds, funding formulas, programs, reporting, accounting, and audit requirements. The pages that follow attempt to break the K-12 education budget into small bites that are easily digested and understood.

Organization: constitutional and statutory

Provision for the funding of Washington state's public schools begins with the state constitution. This foundation is further shaped, tempered, and sized by state and federal laws, rules adopted by the state Superintendent of Public Instruction and the State Board of Education, court decisions, the will of Washington citizens as expressed through the initiative process, and to some extent the state of the economy. Each of these factors play a somewhat different role.

The state constitution supplies the primary legal foundation for the state's public schools saying that, "It is the paramount duty of the state to make ample provisions for the education of all children residing within its borders….The legislature shall provide for a general and uniform system of public schools."[1] Tradition and the courts have interpreted this to mean that the legislature will define and fund basic education.

Accordingly, the legislature drafted the Basic Education Act in 1977and has followed this with several revisions since.[2]

Superintendent of Public Instruction (SPI)

The Office of the Superintendent of Public Instruction is established by the state constitution. The superintendent is elected, on a non-partisan basis, every four years by the voters of the state. The SPI is an executive of the state charged with "supervision over all matters pertaining to the public schools and shall perform specific duties as may be prescribed by law…."[3]

The superintendent's chief responsibilities are to:[4]

- Collect and report school information to state and federal authorities, prepare requested reports, and provide state agencies with information for policy and budget making
- Secure laws and appropriations from state and federal governments and implement those laws
- Apportion and distribute money to local school districts and educational service districts, approve and monitor the budgets of the ESDs and school districts, and administer school construction funds
- Provide technical help in finance and curriculum matters to the ESDs and school districts,
- Issue certification for teachers, support personnel, and administrators of the K-12 system
- Act as an *ex officio* member and CEO of the State Board of Education

In addition to providing direction to ensure that students achieve the state's four learning goals,[5] the SPI is required to estimate the amount of state support necessary to carry out the law. Simply stated, this means the SPI must submit to the governor a proposed K-12 budget for each biennium. The governor adds the SPI's projections into his December semi-annual budget proposal to the legislature.

Policies, rules and regulations adopted by agencies of the state in interpreting and carrying out state law are contained in the Washington Administrative Code (WAC). Both the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) adopt rules to administer, implement and ensure compliance with the program requirements of the Basic Education Act.[6]

The State Board of Education

This eleven-member body, created in 1877 by the Legislature of the Territory of Washington, consists of a member from each congressional district, a representative of the private schools, and the Superintendent of Public Instruction. Two high school students serve as *ex officio* members of this board.

The duties of the board are to establish rules, regulations, and guidelines for educator certification; approve continuing education programs; allocate state assistance for school construction; approve school district basic education programs, accredit schools, set minimum high school graduation requirements, and approve private schools.[7]

The board annually reviews each school district's K-12 education program to determine compliance with the basic education requirements. Each school district is certified as being in compliance or noncompliance every March. Basic education support funds may be deducted for a school district found in noncompliance. Basic education requirements include minimum program course offerings and hours, basic skills and work skills activities, classroom teacher contact hours, appropriate student-teacher ratios, compliance with the 180-day minimum school year, certificated staff with current and valid certificates, and assignment of classroom teachers and educational associates.

Washington State School Directors Association

This is a self-governing, self-funded association of school board directors established by the legislature in 1947. All school directors are automatically members of the association. Its twofold purpose is to assist school directors in governing community schools and to strive to improve student learning.[8]

Educational Service Districts (ESDs)

Educational Service Districts (ESDs) are regional units created by statute evolved from county superintendents. There are currently nine ESDs in the state of Washington. Each is governed by a board, consisting of either seven or nine members, in which each member represents a sub-division (director district) of the district.[9]

The ESDs are to

- provide informational services to local school districts
- assist the Office of the Superintendent of Public Instruction in performance of its duties
- provide services to school districts to assure equal educational opportunities

The ESDs depend on the state, federal government, and local school districts for their funding. Their budgets are approved and monitored by the SPI. State aid is appropriated by the legislature to the SPI for allocation to the ESDs and federal aid is allocated directly to ESDs or through grants administered by the SPI.

Leadership team roles

School board	Superintendent
Governs (Guides, directs)	Manages (Administers, operates)
Decides what	Decides how
Requests information	Seeks & provides information
Considers issues	Provides recommendations
Creates, reviews & adopts policy	Recommends & carries out policy
Approves & reviews plans	Implements plans
Monitors progress	Reports progress
Contracts with personnel	Supervises hiring process & practices
Approves evaluation criteria & procedures	Supervises and evaluates personnel
Approves and reviews budget	Formulates budget
Represents public interests	Acts in public interest

Table SF-1. Source: Serving on Your Local School Board, *Washington State School Directors' Association, p. 13*

School Districts

Local school districts are the statutory delivery system of instructional programs for students. They are, by law, corporate bodies which possess all of the usual powers of a corporation for public purposes. There are currently 296 local school districts in Washington. Each consists of a board of directors (usually five) elected by the voters to serve four-year, staggered terms.

School district boards of directors are charged, by law, with:

> " . . . the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning,"[10]
> enforcing " . . . the rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils, and certificated employees,"[11] and
> ensuring " . . . the optimum learning atmosphere of the classroom is maintained." [12]

School districts are managed by a district superintendent responsible to the board of directors for carrying out district policy, administering the operation of the district and schools, supervising district personnel, and advising the board of directors on all educational matters for the welfare and interest of students.

The school boards are governing bodies. Their function is not to operate the school district, but to see that it is run effectively. The board's focus is determining what the district should accomplish and developing policies to carry out these goals.

In addition to the board of directors and superintendent, school district personnel will include certificated administrative personnel (such as principals), certificated instructional personnel (teachers), educational staff associates (counselors, librarians, school nurses, psychologists, etc.), and classified personnel (clerks, custodians, bus drivers, and food service workers, etc.).

2001-03 operating budget: Public schools
(Dollars in Thousands)

	As pased by the legislature	
	GF-S	Total
OSPI & Statewide Programs	61,304	299,329
General Apportionment	7,512,176	7,512,176
Pupil Transportation	387,491	387,491
School Food Services	6,200	296,387
Special Education	839,908	1,096,000
Traffic Safety Education	6,183	6,183
Educational service Districts	9,536	9,536
Levy Equalization	284,644	284,644
Elementary/Secondary School Improv	0	288,166
Institutional Education	38,248	46,796
ED of Highly Capable Students	12,840	12,840
Student Achievement Program	0	393,300
Education Reform	72,245	75,478
Transitional Bilingual Instruction	88,215	88,215
Learning Assistance Program (LAP)	139,410	139,410
Block Grants	37,031	37,031
Better Schools Program	8,996	8,996
Compensation Adjustments	398,659	398,659
Common School Construction	0	191,220
Total Public Schools	**9,903,086**	**11,571,857**

Table SF-2. Source: State Summary, Senate Ways and Means Committee, June 2001

School financing

Court decisions

It is impossible to discuss school financing without noting the impact of voter initiatives and various court decisions. Three court decisions have forced significant changes in the funding formulas of K-12 education in Washington state. These are known as the Doran Decisions after Thurston County Superior Court Justice Robert Doran, who issued the judgments.

Doran I

In 1975-76, the Seattle school district, frustrated after the defeat of two special levies, sued the state claiming it had not met its constitutional duty to make ample provision for education. The Thurston County Superior Court agreed and, in 1977, issued a declaratory judgment by Judge Doran, later known as the Doran Decision I.[13] It found that:

- State funding was insufficient to fund a basic program of education
- The legislature must define and fully fund a program of basic education

In 1978, the Washington State Supreme Court upheld Judge Doran's decision by a 6-3 margin.[14]

The result was the adoption by the legislature of the Basic Education Act of 1977 (since amended by later legislatures). The Act defined basic education, established a revised funding formula, significantly increased state funding, and limited the amount and purpose of special levies. It described the content of educational programs school districts must provide to satisfy these goals and set a formula in place for funding basic education based on ratios of district employees per student rather than dollars per student.

Basic Education Act — Goal

RCW 28A.150.210

The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:

(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;
(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;
(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and
(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities.

Doran II

In 1983, in response to a petition from several school districts, Judge Doran rendered a decision that included in the state's constitutional duty to fund basic education special-education programs for handicapped children, transition bilingual education, and remediation assistance.[15] The judge ruled that the state was also required to fund transportation for handicapped children who need help traveling to and from school or those living too far from school, whether handicapped or not.

Judge Doran further held that once the legislature decided how many dollars were required to fully fund basic education, it could not later provide less than that amount.

Doran III

Again in 1988 Superior Court Justice Doran addressed the state's formula for funding special-education.[16] He affirmed the formula and the formula approach to funding and identified the need for a "safety net" to address any demonstrated under-funding of special education within a school district. The decision did not require action by the legislature, but stated general guidelines to be used as a matter of law.

In turn, the legislature, in 1995, set a new formula in place for funding special education and included a "safety net" allocation within it.[17]

Initiatives enacted

Initiative 601 – General fund expenditure limit

This initiative appeared on the November 1993 ballot and was approved by Washington state voters.

It placed a limit (or cap) on the growth of expenditures from the state general fund (usually 55-60 percent of overall state spending). The limit or cap is equal to a three-year moving average of the rates of population growth and inflation.

I-601 relates to basic education funding in more than one way. The K-12 education programs receive monies from the state general fund. Any preset limit or cap on expenditures from the general fund will, as a result, probably also limit increases in the dollars which can go toward education. Secondly, funds in excess of the general fund limit go into the Emergency Reserve Fund (ERF), created by I-601, until the ERF exceeds five percent of the projected biennial revenues. Excess funds in the ERF then flow into the Education Construction Fund (ECF) to support school construction.

Initiative 695 – $30 license tags and repeal of motor vehicle excise tax

This initiative appeared on the November 1999 ballot and was approved by 56 percent of Washington state voters. The goals of I-695 were to repeal the unpopular Motor Vehicle Excise Tax (MVET), replacing it with a $30 license tab fee, and to make any tax and fee increase by state and local government subject to voter approval. The MVET had represented the fourth largest component of the tax sources of revenue for the state (about seven percent of the general fund source revenues).

The Superior Court declared I-695 unconstitutional, but the legislature subsequently approved the $30 tab fee.[18]

This reduction in revenue for the state general fund, in turn, resulted in fewer dollars available for all allocations, including education. Education expenditures usually represented about 45 percent of monies available in the state general fund.

Initiative 732 – School employee cost of living adjustment

This initiative appeared on the November 2000 ballot and was approved by 63 percent of Washington state voters. I-732 requires that all school employees receive an annual cost of living adjustment (COLA) in accordance with the Puget Sound (Seattle, Tacoma and Bremerton) consumer price index (CPI). The all-school employee category includes all K-12 school employees, community and technical college faculty, and technical college classified employees.

Initiative 728 – The student achievement act

This initiative appeared on the November 2000 ballot and was approved by nearly 72 percent of Washington state voters. It directs surplus state revenues to dedicated funds to provide additional resources for K-12 public schools in six areas, which are listed below. I-728 avoids the I-601 spending limitations by establishing a new dedicated fund, the Student Achievement Fund (SAF), which will receive most of I-728 revenues and will pay for the expanded programs described in the initiative. In effect, I-728 is an "end run" around the expenditure limit.

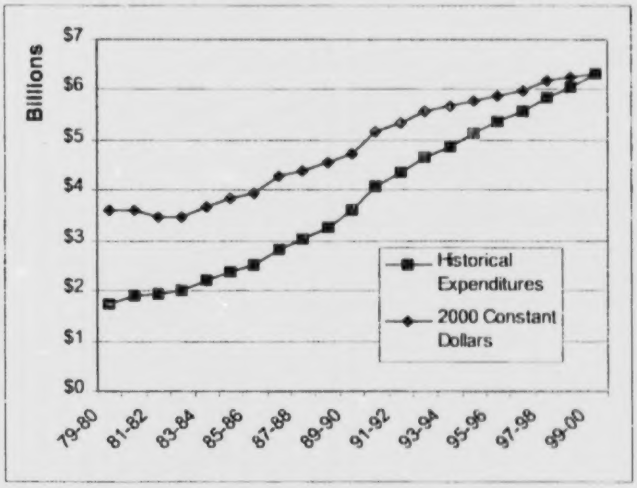


Figure SF-1: Historical expenditures on public schools. Source: Organization and Financing of Washington Schools, *OSPI, p. 119*

The SAF money will be distributed to public school districts based on enrollment, and will provide funding to:

- reduce class sizes in K-4
- make selected class size reductions in grades 5-12
- provide extended learning for students in K-12.
- provide additional professional development for educators
- provide early assistance for children who need pre-kindergarten support
- provide improvements or additions to school facilities that are directly related to class size reductions and extended learning opportunities

Although the initiative identifies six major goals, local communities will determine just how the money is spent. Essentially, I-728 amounts to a sizable discretionary grant. Time will tell whether the funds are spent as advertised to the voters and to educators.

State revenues: Where does the money come from?

The finances used to run school districts comes from three primary sources: state, federal and local allocations. Almost half the state's general fund is spent on public schools. In the 1999-2000 biennium, 72.58 percent of school district general fund revenues came from the state government. See *Table SF-3*. Taxes are the major sources of state general fund revenues; chiefly sales tax, occupation (B & O) tax, and property tax. With the original passage of I-601 the motor vehicle excise taxes are no longer a general fund tax source.

A school district's funds are divided and described as follows:

- **General fund** – Accounts for all financial resources of the district except those required by law or financial management purposes to be in another fund.

- **Capital projects fund** – Accounts for the costs of constructing or remodeling school buildings or acquiring property. Bond proceeds for construction or remodeling are deposited in this fund.
- **Transportation vehicle fund** – Accounts for the purchase, major repair, and rebuilding of pupil transportation vehicles.
- **Debt service fund** – Accounts which accumulate resources for the payment of long term debt principal and interest. Property taxes levied for this purpose are deposited in this fund.
- **Associated student body fund** – Accounts for the activities of the associated student body. Revenue from fund raising activities is used for sports, clubs, or other student activities.

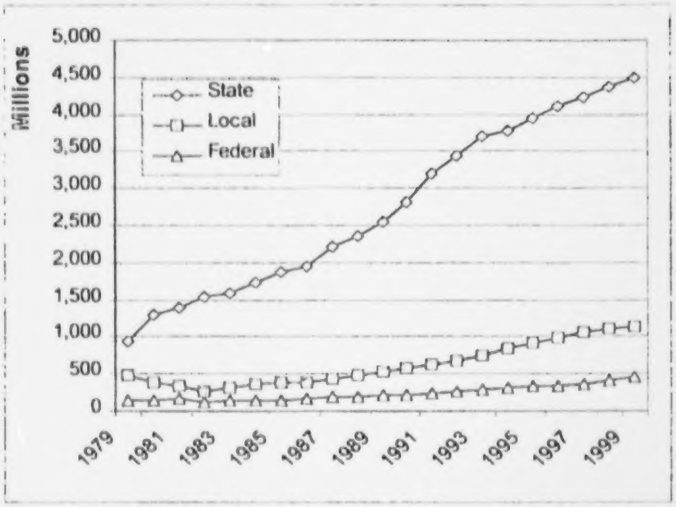


Figure SF-2: Major sources of general fund revenue. Source: 1999 Data Book, *Office of Financial Management, p. 88.*

The amount of money each district receives is determined by the use of various formulas, but the major funding factors controlling school district allocations for basic education are the number of students and district employees, and employee salaries (with average experience and education of the teaching staff being the driver).

State funding formulas are applied to the number of students in each grade level to determine how much money the state will provide to the district to support basic education programs. Most of this amount is used for teacher salaries and benefits. The number of students in a classroom, the student-teacher ratio, and the state salary schedule fixes the funding that the district will receive for teachers salaries. In actual practice, district-level collective bargaining may cause a difference in the rates of teacher and staff pay compared to the legislatively fixed schedule. As a result of the passage of I-732 in November 2000, districts will receive funding to pay most of its employees an additional 3.7% effective on September 1, 2001.

Additionally, school districts also receive state revenues for funding specific programs, such as handicapped education, the highly capable (gifted) student program, pupil transportation, the learning assistance program, bilingual education, block grants, property tax levy equalization and school construction.

The formulas adjust for districts with small numbers of enrolled students, districts with a small number of high schools, secondary vocational and skills centers, large enrollment increases in a given month, private school and summer enrollments, and home-based student services. Running Start students enrolled in a community or technical college are reported and funded separately.

Supplies, equipment, utilities, and other non-people costs are referred to as "non-employee related costs" (NERCs). The state allocates an amount, set by the legislature, for each teacher, administrator, or state certified district employee. The state money is given to the districts in monthly payments, which vary somewhat month-to-month.

Other state-funded programs include:

- Special Education and Safety Net
- State Institutions Educational Programs
- Learning Assistance Programs
- Better Schools
- Transitional Bilingual Programs

Sources of general fund revenue, 1999-2000

State	72.58%
Local	18.93%
Federal	7.71%
Other	0.78%

Table SF-3. Source: School Financial Summary, OSPI

- Student Achievement Funds (I-728 based)
- Traffic Safety Education
- Highly Capable Students Programs
- Local Education Enhancement Programs
- Day Care
- School Food Service
- Pupil Transportation Services

Federal revenues

In the 1998-1999 school year, almost eight percent of the school districts general fund (maintenance and operations) came from federal sources. See *Table SF-3.* These funds were for programs like:

- The Improving America's Schools Act (ISA)
- School food services (lunch and snacks)
- Special Education, supplemental
- Day care
- Head Start
- Indian Education programs
- Bilingual programs
- Eisenhower Professional Development
- Vocational Education
- Skills Centers
- Youth training programs
- The Technology Literacy Challenge
- Other special purpose grants

Districts also receive federal funds for reimbursement of losses due to reduced property revenues and the increased cost of educational programs created by military bases and Indian reservations. This is known as "federal impact aid."

Local revenues

Local revenue sources made up nearly19 percent of the total school district general fund revenues for the 1998-99 school fiscal year. See *Table SF-3.*

The state constitution gives school districts the authority to levy local property taxes with the approval of the voters in a district. Such local levies are often called "excess levies" or "special levies" because they are in excess of the one percent statutory limit on property tax and because they require voter approval.[19]

These levies may fund general maintenance and operations needs, capital needs, or be used to redeem bond principal and interest. School districts may issue bonds, given the approval of 60 percent of the voters, up to a statutory limit of 5 percent of assessed values. The bonds are amortized over a number of years, authorized at the time the bond issue is approved. Sometimes bond funds are not immediately needed and are temporarily invested. The resulting interest is a minor source of local revenue for the district.

2001-02 K-12 Salary Allocation Table for Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA + 90/ Ph.D.
0	27,467	28,209	28,977	29,746	32,219	33,811	32,931	35,403	36,996
1	27,836	28,588	29,366	30,171	32,668	34,252	33,297	35,793	37,377
2	28,464	29,231	30,025	30,900	33,414	35,030	33,995	36,509	38,124
3	29,401	30,192	31,009	31,931	34,490	36,177	35,027	37,585	39,273
4	30,063	30,896	31,727	32,689	35,290	37,007	35,755	38,355	40,072
5	30,750	31,595	32,443	33,468	36,085	37,853	36,503	39,121	40,889
6	31,147	31,974	32,850	33,928	36,531	38,308	36,904	39,508	41,285
7	32,164	33,010	33,909	35,055	37,724	39,569	38,031	40,700	42,546
8	33,195	34,088	35,008	36,248	38,954	40,867	39,225	41,930	43,843
9		35,205	36,169	37,455	40,223	42,201	40,430	43,200	45,177
10			37,344	38,724	41,529	43,572	41,700	44,505	46,549
11				40,029	42,895	44,979	43,005	45,872	47,956
12				41,293	44,298	46,446	44,362	47,275	49,422
13					45,736	47,947	45,766	48,712	50,923
14					47,181	49,505	47,212	50,251	52,481
15					48,408	50,792	48,439	51,557	53,846
16 or more					49,376	51,808	49,407	52,589	54,923

Table SF-4. Source: http://www.k12.wa.us/safs/PUB/PER/salsch.asp

Reliance on levies declined and then slowly increased following the 1977 Doran Decision and the resulting passage of the Basic Education Act of 1977. These actions required the state to fully fund basic education. Prior to 1977, maintenance and operations levies made up as much as 30 percent of district general fund revenues.

Inter-district transfers are made from non-high school districts (districts without high schools make payments to neighboring districts for a portion of the costs of educating non-high district residents). This mechanism protects taxpayers in districts with high schools from subsidizing the education of students residing in non-high school districts.

Other local sources of revenue include:

- payments for inter-district cooperative programs
- student fees and tuition
- investment earnings
- grants and gifts
- donations
- lunch reimbursement
- sales of materials
- fines
- insurance recovery monies

School district budgets

Writing the budget

The school board must adopt its budget prior to the beginning of the school year (September 1 to August 31 is the fiscal year). By law, the school district budget must be prepared by July 10.

The Washington State School Directors Association publishes excellent information regarding the school budget process, so only the basics are described in this document (www.wssda.org).

However, from years of experience analyzing numerous school budgets, we issue a strong challenge and caution: Most school board members neither understand nor investigate basic assumptions and financial trend data as it is presented to them by the district staff. For some reason, normally intelligent and frugal individuals have difficulty applying the same sensibilities to a school budget as they do their household or business budgets. This is not to suggest that school directors should challenge every expenditure or micromanage every administrative decision. It underscores the reality that school directors must have the unvarnished and unaltered facts before they can be expected to make wise decisions.

Furthermore, school directors should feel free to explore opportunities outside the existing public education structure to deliver services in more cost effective, efficient ways. The reason public schools exist is to provide the opportunity for an excellent education to all students residing in our state's borders. Public schools do not exist to provide guaranteed jobs for grown-ups.

Before writing the budget the district must make some assumptions and projections about the coming year(s). The assumptions are made for:

- educational programs and goals – usually part of the district long range plans
- enrollment, buildings needed, and courses to be offered
- staffing, class room support, and administrative staff
- salary negotiations, leaves, vacation, sick leaves, and employee benefits
- inflation over the budget period
- equipment purchases and replacements
- pupil transportation – both mandatory and other
- fund balances
- extra-curricular activities

With these assumptions and projections in hand, the district creates the budget methodically filling-in the specific details on form F-195, the official school district budget document supplied by the OSPI. A completed F-195 form will typically exceed 120 pages.

The budget will contain estimates of (a) revenues and expenditures for each fund for the budgeted year, for the current fiscal year, and actual revenues and expenditures for the last completed fiscal year; (b) beginning and ending fund balances, and (c) any self-balancing equity transfers, where applicable.

In addition to a completed F-195, the district must estimate state revenues using form F-203. All revenues are listed on F-203 and must be in agreement with the data used on the budget form (F-195).

Drafting successful budgets

Advance planning is critical to draft or approve an accurate and useful budget.

- Develop a calendar for budget completion and work backwards assigning tasks, responsibilities and interim deadlines as necessary
- Involve the administration and appropriate staff
- Make certain board members understand and agree with the district's strategic plan and long-range goals, since budget priorities are based on these decisions

General fund expenditures by program
School Year 1999-2000

Direct Program	Dollars	Percent	$ / Student
Basic Instruction	**2,841,095,307**	**44.9**	**2,955**
Special Education	**581,393,637**	**9.2**	**605**
Vocational / Skills Center	**241,611,769**	**3.8**	**251**
Pupil Transportation	**252,508,754**	**4.0**	**263**
Food services	**213,481,314**	**3.4**	**222**
Compensatory Education	**321,905,642**	**5.1**	**334**
Remediation	108,843,054	1.8	113
Learning Assistance	72,573,208	1.1	75
Bilingual Education	52,356,305	0.8	54
Special and Pilot	33,362,004	0.5	35
Institutions	660,277	0.0	1
All Other	54,110,794	0.9	56
Other Instruction	**167,415,137**	**2.6**	**174**
Local Ed. Prog. Enhance.	37,064,488	0.6	39
Traffic Safety Education	15,241,895	0.2	16
Highly Capable	12,046,097	0.2	13
All Other	103,062,657	1.6	106
Community Service	**32,507,497**	**0.5**	**34**
Other Support Services	**1,680,570,556**	**26.5**	**1,748**
Total Expenditures	**$6,332,489,613**	**100.0**	**$6,586**

Table SF-5. Source: School District & ESD Financial Reporting Summary 1999-2000, *OSPI, Section One.*

- Gather accurate trend/historical data
- Review significant variables from the previous and current budget
- Gather and review financial reports and forecasts
- Involve the public in meaningful ways

When are school district budgets available to the public?

School district budgets for first-class districts are required, by law to be available to the public by July 20 (July 10 for second-class school districts) for the fiscal year beginning on the following September 1.[20]

Upon completion of their budgets, every school district must publish a notice stating that the district has completed the budget, placed it on file in the school district administration office, and that a copy will be furnished to *any person* who calls upon the district for it. The district is required to provide a sufficient number of copies of the budget to meet reasonable demands of the public.[21]

In addition, every school district must publish a notice stating that the board of directors will meet for the purpose of fixing and adopting the budget for the coming fiscal year. The notice must tell the time and place of the meeting, which must occur no later than August 31 for first-class school districts (August 1 for second-class school districts). Such notice must be published at least once a week for two consecutive weeks in a newspaper of general circulation in the district. At the board meeting, any person may appear and be heard for or against any part of the budget.

Similarly, emergency or additional appropriation resolutions must be voted upon at public meetings with notice given in the manner described above. Any person may appear at the meeting at which the appropriate resolution is to be voted on and be heard for or against the adoption of the resolution.

Also for the Student Achievement Fund (SAF) monies, each district has the authority to decide the best use of the funds to assist students in meeting and exceeding the new education standards. Annually, on or before May 1, the school district shall meet for a public hearing on the proposed use of those funds to improve student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of the funds.[22]

Many school districts now have web sites on which board meetings, agendas, and meeting minutes are published.

When a district completes its budget, it must forward it for preliminary review and edit by the educational service district (ESD).[23] When the budget passes

ESD review, the budget documents are then submitted to the OSPI. The OSPI performs a final review and, if approved, a signed budget confirmation page is sent back to the school district.

Reading a school district budget

The current detailed budgets for each school district in Washington are available on the website of the Office of the Superintendent of Public Instruction (www.K12.wa.us). Printed copies of the budget of each individual district are available at the business office of each school district.

The OSPI web site includes a financial profile for each district. This page displays the FTE enrollment, the staff count (certificated instructional, certificated administrative, and classified staff), revenues (state, federal, local levy, and other), expenditures (broken down by administration, instruction, facilities, pupil transportation, food service and other), the dollars of revenue and expenditures per student, and fund balances. Actual numbers are shown for the last two school years with the budgeted numbers for the last completed school year and the budget numbers for the current year.

General fund expenditures by object
School Year 1999-2000

Object of Expenditure	Dollars	Percent	$ / Student
Salaries & Benefits	**5,213,732,919**	**82.3**	**5,423**
Certificated	2,997,610,536	47.3	3,118
Classified	1,093,422,961	17.3	1,137
Benefits	1,122,699,422	17.7	1,168
Purchased Services	**597,743,983**	**9.4**	**622**
Central/Building/Admin.	58,681,192	0.8	61
Teaching/Teaching Support	188,407,689	2.9	196
Food Services	17,755,742	0.3	18
Utilities	153,308,636	2.4	159
Insurance	27,430,211	0.5	29
Information Systems	24,565,293	0.5	26
PupilTransportation	61,793,322	1.0	64
Other	65,801,898	1.0	68
Supplies & Materials	**405,739,093**	**6.5**	**422**
Capital Outlay	**94,890,798**	**1.5**	**99**
Travel	**20,382,820**	**0.3**	**21**
Total Expenditures	**$6,332,489,613**	**100**	**$6,587**

Table SF-6. Source: School District & ESD Financial Reporting Summary 1999-2000, *OSPI, Section One.*

The school district budget gives information on school expenditures—where the money goes—with four classifications. The classification of expenditures are by fund, program, activity, and object.

Expenditures by program represent major operational components of the school district. These expenditures describe the categories that are directly involved with the instruction and education of students. Examples of program categories are basic instruction, special education, vocational/skills centers, pupil transportation, food services, compensatory education, other instruction (like local educational program enhancement), and community services. See *Table SF-5.*

Expenditures by object represent the goods and services acquired by a school district to accomplish the objectives of a given program and activity. Examples of these object expenditures categories are salaries and benefits (certificated salaries, classified salaries, and benefits), purchased services (such as central administration, teaching/ teaching support, utilities, insurance, supplies and materials, capital outlays, and travel). See *Table SF-6.*

Expenditures by activity represent functions of school district operations that may cross program lines. The activities classification describes function areas that are directly involved in the object of the programs. Examples of activity categories are administration (and supervision), instruction, facilities, transportation and food service. See *Table SF-7.*

The formal school budget gives little information on such items as changes in demographics, student successes and needs, programming successes and problems, community concerns, or details of special situations or conditions. Grasping these aspects of a school district requires a thorough understanding of the rationale behind the decisions that led to the budget document. This includes the district goals and plans and the strategies for achieving them. Becoming intimately involved in

General fund expenditures by activity
School Year 1999-2000

Activity	Dollars	Percent	$ / Student
Administration	**831,812,341**	**13.0**	**865**
Principals' Office	392,546,926	6.2	408
Instruction - Supervision	170,725,127	2.7	178
Superintendents' Office	67,197,298	1.0	70
Business office	77,085,279	1.2	80
Human resources	39,915,256	0.6	42
Pupil Trans. - Supervision	25,089,800	0.4	26
Board of Directors	24,060,620	0.4	21
Facilities - Supervision	20,544,548	0.3	21
Food Service - Supervision	14,647,487	0.2	15
Instruction	**4,388,956,209**	**69.4**	**4,565**
Teaching	3,718,622,146	58.8	3,869
Guidance & Counseling	163,903,139	2.6	170
Learning Resources	136,876,830	2.2	142
Extracurricular	121,119,594	1.9	126
Pupil Management & Safety	46,877,261	0.7	49
Health Related	179,407,431	2.7	187
Payments to Other Districts	22,149,808	0.4	23
School Facilities	**558,987,226**	**8.9**	**581**
Operation of Buildings	220,070,428	3.5	229
Utilities	156,841,237	2.5	163
Maintenance	137,426,830	2.2	143
Grounds Maintenance	35,835,478	0.6	38
Plant Security	8,813,253	0.1	9
Pupil Transportation	**226,160,076**	**3.6**	**235**
Bus Operations	180,906,616	2.9	189
Transportation insurance	3,162,637	0.0	3
Bus Maintenance	42,090,823	0.7	44
Food Service	**198,645,605**	**3.1**	**207**
Food Prep. & Operations	103,326,320	1.7	107
Food	81,854,452	1.3	85
Commodities	13,464,833	0.2	14
Other	**127,923,156**	**2.0**	**133**
Information Systems	59,622,952	0.9	62
Insurance (w/o trans.)	27,430,211	0.4	29
Public Activities	16,194,439	0.3	17
Warehousing & Distrib.	11,292,306	0.2	12
Printing	7,577,917	0.1	8
Principal & Interest Exp.	2,110,895	0.0	2
Motor Pool	3,694,436	0.0	4
Total Expenditures	**$6,332,484,513**	**100**	**$6,587**

Table SF-7. Source: School District & ESD Financial Reporting Summary 1999-2000, *OSPI, Section One.*

the budgeting process and participating in the discussions and negotiations from which the budget is shaped during the preceding year is the only reasonable path.

One other approach to examining a district's finances is to compare the budgets of several other districts of similar size and regional characteristics for the same fiscal year. Comparing districts of similar regional characteristics means those with similar tax bases, personal income levels, numbers of English speaking and special needs populations, and cultural preferences. Comparisons to districts with significant differences in services provided, those with vastly different levy and bond issue successes, or those experiencing recent annexations or consolidations should be avoided.

Comparing data from districts of the same approximate size will tend to eliminate trends that arise from scaling factors alone. Examining how similarly sized districts fund their educational operation and how and where they spend their dollars can point to potential problem areas or highlight facets of district operation that require further study.

Another approach is district trend analysis. This involves analyzing the trends in the operation of a single district by examining patterns of revenues, expenditures, staffing, and program emphasis. Asking questions which highlight changes or continuing trend directions in one or more areas may point to aspects of district operation that need more analysis—questions like the following:

- Is a significant increase or decrease in expenditures being proposed?
- What seems to be the trend in staffing levels and experience relative to changes in student populations or demographics?
- Are the principal goals outlined in the budget being accomplished as planned and with the expected outcomes?
- Do past years' budgets accurately reflect the actual spending?
- Have levels of funding kept pace with mandated special service programs like handicapped or non-English speaking student programs?
- Are trends of revenue, spending, staffing, or programming reflected in the quality of output—in for example graduation rates, college placements, or test scores?

During the budget year, financial statements and reports are prepared by the district on a monthly basis. A monthly budget status report is prepared for each district fund, summarizing the most current approved budget amounts and the fund balance at the beginning and end of the period under analysis. All monthly reports are made available by the administration of the district to each member of the district board of directors and to any person or organization upon request, pursuant to the policies of the board of directors.[24]

A board member or interested person can monitor the administration of the budget by asking questions such as:

- How does actual enrollment compare to the budgeted number?
- How does actual staffing compare to the budgeted amount?
- Do the actual fund balances compare to the budgeted numbers?
- Do year-to-date revenues and expenditures seem reasonable and are they consistent with historical patterns?
- Does there appear to be sufficiently budgeted amounts for the individual programs?
- Are there significant changes in enrollment, levy revenues, payments to vendors, borrowing, or cash balances?

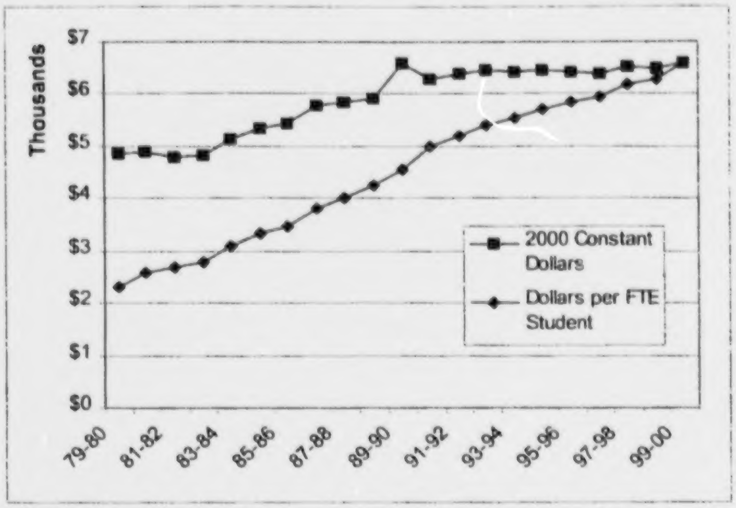


Chart SF-3: Dollars per FTE student. Source: Organization and Financing of Washington Schools, *OSPI, 119*

Conclusion

Washington state has spent an ever-increasing amount of dollars on its K-12 education system. Over the last 20 years, from 1980 to the year 2000, this amount of money has increased by a factor a little over 3.5 fold. The increase is greater than expected simply due to inflation. In constant year 2000 dollars the amount spent in year 1980 nearly doubled by year 2000.

In enrollment terms, the number of students served has also increased from approximately 750,000 in 1980 to just under 1,000,000 students in year 2000. This increase is approximately one-third more students served than 20 years ago and significantly less than the two-fold increase in constant dollars spent in support funding.

The dollars spent each year per FTE student has increased by a factor of about 3 during the 20 years from 1980. Summarizing expenditure curves, the number of students served has increased by about one-third and the dollars expended has increased by about the same factor in year 2000 constant dollars.

Because resources for K-12 education will always be finite, and because demand from the public and various special interest groups for broader services increases, school directors must look for ways to reduce expenditures or to get the biggest bang for every buck spent. This means looking for solutions wherever they can be found, and sometimes this is outside the traditional school building. The "make or buy" discussion is not new, yet it is foreign in most public education circles. It

20 B

is not possible or even sensible for public education to "make" every service it decides to provide. Oftentimes the service can be "bought" on the free market for better value.

Budgets almost always drive policy—a fact too often overlooked. To be sure, managing large budgets within the constraints of the law, collectively bargained contracts and immoveable predetermined expectations is difficult. But to restate an earlier theme, public schools exist for students, not for adults. Nothing is gained for students, taxpayers or society at large if school directors are unable to challenge assumptions and outcomes, whether it is because accurate information is unavailable, or because they are intimidated by staff. On the other hand, continual carping by school directors who are unwilling to help craft alternatives and solutions is demoralizing to the administration, teachers and staff.

Recommendations

- ***School directors must take seriously their obligation to understand the "innards" of the budget and the process used to adopt it.*** All budget assumptions should be reviewed against facts and historical trends to determine soundness.
- ***Directors should determine the elements of revenue and expenditures that they can control*** at their statutorily delegated level of authority.
- ***Make a clear-headed evaluation to determine whether the greatest value is being achieved*** for the amount of money spent.
- ***Address the "make or buy" question.*** It is insensible to assume that being responsible to "provide for" an educational outcome means that every district must create the product and deliver it. For example, many services for students receiving learning assistance can be provided outside the traditional public school institution.
- ***Build a reasonable reserve.*** Expect the unexpected.
- ***Review contracts for opportunities to make changes in service delivery*** whenever it can be determined that efficiency, effectiveness and cost-savings is the likely result.
- ***Ask lawmakers*** to 1) ***further deregulate public schools***, and 2) ***allow more of the dollars to follow the child*** to the public school of his/her parents' choice.

Endnotes

1. Wash. Constitution, Art. IX, §1, 2.
2. RCW 28A.150.210
3. Wash. Constitution, Art. III, §22.
4. RCW 28A.300.040
5. RCW 28A.150.210
6. The rules adopted by the SBE are found in Title 180 of the WAC and the administrative rules adopted by the SPI are found in Title 392 of the WAC.
7. RCW 28A.305.130
8. RCW 28A.345
9. RCW 28A.310.010
10. RCW 28A.150.230
11. RCW 28A.600.010
12. RCW 28A.600.020
13. *Seattle School District v. State*, No. 53950, (Thurston Co. Sup. Ct. March, 1977); aff'd as modified, 90 Wn.2d 476 (1978).
14. *Seattle School District v. State*, 90 Wn.2d 476 (1978).
15. *Seattle School District v. State*, No. 81-2-1713-1 (Thurston Co. Sup. Ct., April, 1983).
16. *Washington State Special Education Coalition vs. State of Washington, et al.* No. 85-2-00543-8 (Thurston Co. Sup. Ct., February, 1988), declaratory judgment.
17. 1995 Wash. Laws, Ch. 77, §6.
18. *Amalgamated Transit Union Local 587 et al. v. State of Washington*, 142 Wn.2d 183 (2000); License Tab Fees, 2000 Wash. Laws, 1st Special Session, Ch. 1.
19. Wash. Constitution, Art. VII, §2.
20. RCW 28A.505.040
21. RCW 28A.505.050
22. Initiative 728, School Class Sizes, 2001 Wash. Laws, Ch. 3.
23. RCW 28A.505.060
24. WAC 392-123-110

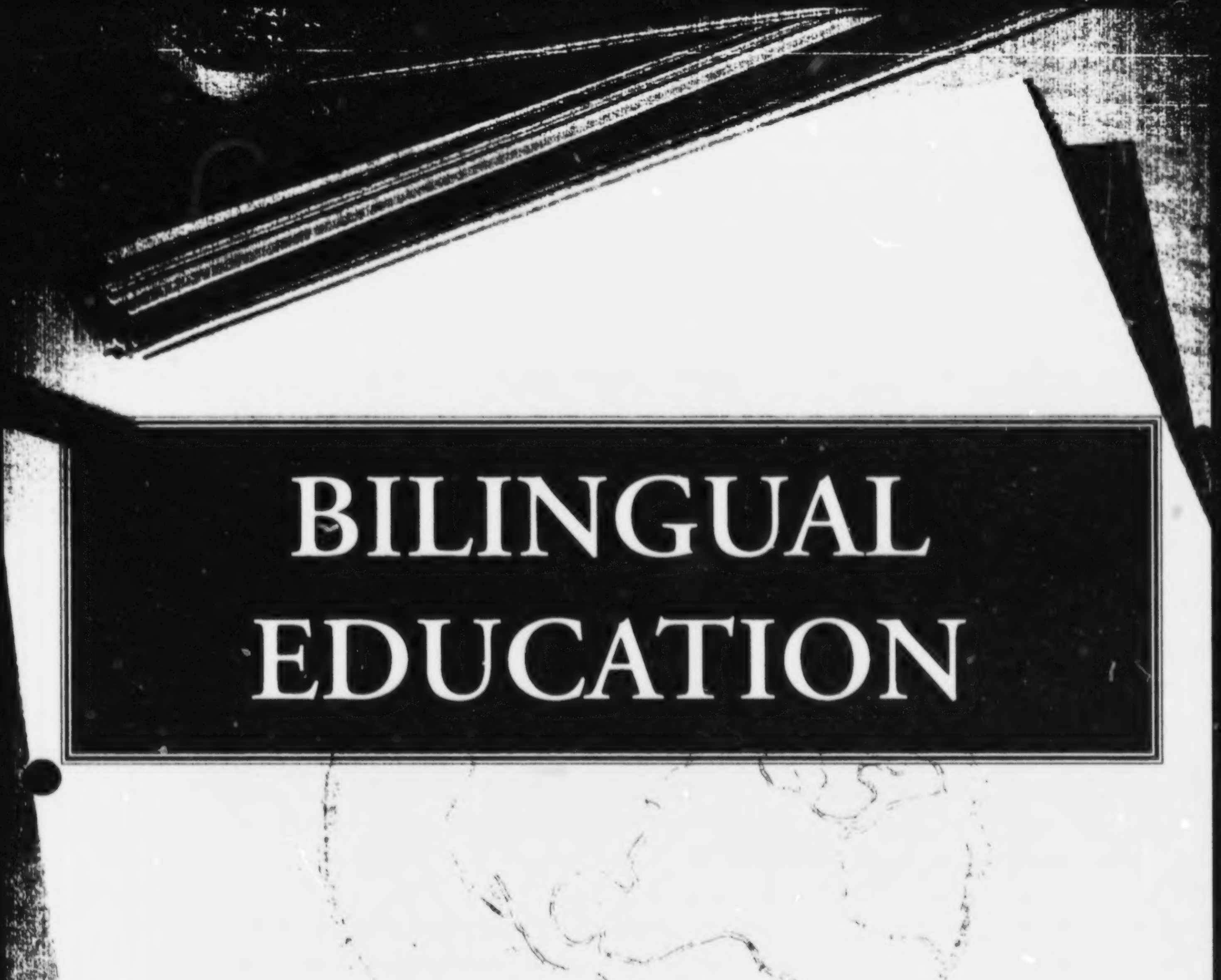
K-12 education statistics

Year	FTE Enrollment		$/Student		Classroom Teachers		Average Salary		Total Certified		Classified Staff		Class Size		
													Teach	Cert.	Total
81-82	725,856		$2,689		35,004		$22,954		41,860		19,520		20	17	11
82-83	714,975	-1.5%	$2,795	3.9%	34,117	-2.5%	$23,485	2.3%	40,686	-2.8%	18,963	-2.9%	20	17	11
83-84	714,789	0.0%	$3,097	10.8%	34,890	2.3%	$24,420	4.0%	41,634	2.3%	19,690	3.8%	20	17	11
84-85	718,712	0.5%	$3,333	7.6%	35,727	2.4%	$25,505	4.4%	42,735	2.6%	20,465	3.9%	20	16	11
85-86	726,411	1.1%	$3,463	3.9%	36,200	1.3%	$26,210	2.8%	43,292	1.3%	20,959	2.4%	20	16	11
86-87	740,958	2.0%	$3,805	9.9%	37,127	2.6%	$27,285	4.1%	44,321	2.4%	21,590	3.0%	19	16	11
87-88	753,256	1.7%	$4,008	5.3%	37,949	2.2%	$28,217	3.4%	45,236	2.1%	22,430	3.9%	19	16	11
88-89	768,545	2.0%	$4,259	6.3%	38,818	2.3%	$29,199	3.5%	46,338	2.4%	23,489	4.7%	19	16	11
89-90	788,961	2.7%	$4,556	7.0%	40,337	3.9%	$30,457	4.3%	48,111	3.8%	24,283	3.4%	19	16	10
90-91	818,656	3.8%	$4,984	9.4%	41,919	3.9%	$33,079	8.6%	49,997	3.9%	25,791	6.2%	19	16	10
91-92	836,827	2.2%	$5,196	4.3%	42,924	2.4%	$34,824	5.3%	51,209	2.4%	26,681	3.5%	19	16	10
92-93	860,764	2.9%	$5,417	4.3%	44,329	3.3%	$35,761	2.7%	52,955	3.4%	28,250	5.9%	19	16	10
93-94	880,700	2.3%	$5,532	2.1%	45,456	2.5%	$35,863	0.3%	54,343	2.6%	29,399	4.1%	19	16	10
94-95	899,203	2.1%	$5,702	3.1%	46,347	2.0%	$36,149	0.8%	55,563	2.2%	30,486	3.7%	19	16	10
95-96	917,652	2.1%	$5,845	2.5%	46,900	1.2%	$37,851	4.7%	56,171	1.1%	30,713	0.7%	19	16	10
96-97	936,395	2.0%	$5,953	1.8%	48,213	2.8%	$37,812	-0.1%	57,673	2.7%	31,757	3.4%	19	16	10
97-98	949,349	1.4%	$6,169	3.6%	49,015	1.7%	$38,761	2.5%	58,659	1.7%	32,678	2.9%	19	16	10
98-99	959,541	1.1%	$6,292	2.0%	49,598	1.2%	$38,693	-0.2%	59,458	1.4%	33,119	1.3%	19	16	10
99-00	961,449	0.2%	$6,586	4.7%	50,239	1.3%	$41,047	6.1%	60,488	1.7%	34,196	3.3%	19	15	10
81-00	32.5%		144.9%		43.5%		78.8%		44.5%		75.2%				

Table SF-8. Source: Superintendent of Public Instruction

FTE Enrollment includes preschool special education, vocational technical institutes through 1990-91 and state institutions. Dollar per student expenditures include in addition to K-12 education and support programs, state institutions, preschool special education, summer school, community services, adult education, youth training programs, day care programs and vocational technical institutions through 1990-91.

BILINGUAL EDUCATION



BILINGUAL EDUCATION

Removing The Barriers

The origins of bilingual education date to the 1960's, when Florida was flooded with Cuban refugees, most of them middle to upper class. These new immigrants fully intended to return to Cuba to restore freedom to their nation. Consequently, they considered themselves temporary residents of the United States and did not want their children to lose the ability to speak Spanish.

The parents of the Spanish-speaking children lobbied Florida public schools successfully, with the result that the schools would not only be responsible to teach their children English, but also to preserve Spanish, their native language. The experiment was a success. The students learned English, kept Spanish, and performed well academically in other subjects.

Principal instructional models for LEP students

Transitional Bilingual Education (TBE): Students are taught to read and write and do subject matter in their native tongue. English is taught for a small portion of the day and, over a period of years, instructional time in English is increased.

English as a Second Language (ESL): Students participate in regular classrooms with a pull-out period for English language instruction.

Structured immersion: Self-contained classrooms of LEP children learn English and subject matter simultaneously, but subject matter is introduced only as English comprehension allows.

Submersion: Sometimes called sink-or-swim, students are placed in English-only classrooms and receive no special language or subject matter instruction.

Senator Ralph Yarborough (D-Texas) saw the success of the Cuban refugees and championed the cause for other non-English speaking children who were doing poorly academically. In 1968, he helped pass the Bilingual Education Act, an amendment to Title VII of the Elementary and Secondary Education Act of 1965.[1] Yarborough said the goal was "not to keep any specific language alive. It is not the purpose of the bill to create pockets of different languages…but just to try to make those children fully literate in English."[2] This created a relatively small $7.5 million dollar program of education for Hispanic students in the Southwest, where school districts were awarded grants by the U.S. Department of Education to try new bilingual education methods. In later acts the Office of Civil Rights (OCR) and the Office of Bilingual Education and Minority Language Affairs (OBEMLA) were created.

Six years later, in 1974, the U.S. Supreme Court ruled in *Lau vs. Nichols*[3] that, for limited-English-proficient (LEP) students, identical education is not equal education. In other words, being given the same text, same teacher, and same classroom as other students does not necessarily constitute a meaningful education. The high court determined that any student entering school speaking a language other than English has the right to a meaningful education.

The Supreme Court, however, did not define *meaningful,* nor did the justices provide any certain remedies. They did indicate students could be taught in their native languages while they learn English or could be given intensive instruction in and extra help with English. But determining specific steps to take was left to the lower court.

In response to the 1974 Supreme Court ruling in *Lau vs. Nichols*, OCR created the "Lau remedies" which insisted transitional bilingual education (TBE) was the best—if not the only approach—to teaching limited-English-proficient students. In succeeding years, the selection of the TBE model and its effectiveness has become controversial. As researcher Sheldon Richman states in his review of TBE, "This approach was chosen without public discussion and without research to back it up. In the years since the 1974 ruling, in spite of a lack of conclusive research supporting such actions, the federal government has consistently favored TBE programs by channeling funding in their direction . . . ."[4]

In 1988, a three-year limit was placed on student participation in TBE and alternative programs, except under special circumstances.

A look at Washington state

In the school year 1999-2000, according to the Superintendent of Public Instruction's 2000 Report: *Educating Limited-English-Proficient Students in Washington State,*[5] 66,281 students were served by the transitional

Washington state law

- The Washington Administrative Code, Chapter 392-160 and the Revised Code of Washington, Chapter 28A.180 outline the state's transitional bilingual education program.
- The Transitional Bilingual Instruction Act of 1979, amended in 1984, funds school district bilingual …programs for eligible students.
- House Bill 1673, Jan 21, 1998, allows parents to decline placement of their child in the transitional bilingual education program.
- E2SHB 2025, effective August 23, 2001, requires the Superintendent of Public Instruction to review when the Washington Assessment of Student Learning (WASL) is administered to limited-English-proficient students to determine if it is developmentally appropriate for them and to implement an evaluation system to measure increases and progress of LEP students in academic and English language skills.

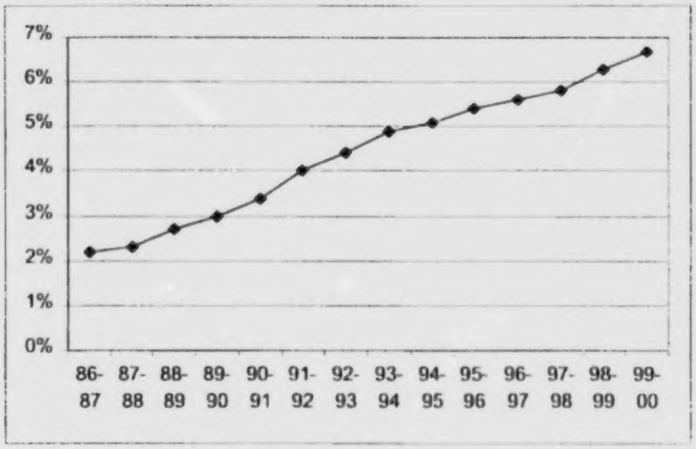


Figure BL-1: Percentage of LEP students statewide. *Source:* Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

bilingual education (TBE) program. To be eligible for this program a student must 1) use a language other than English to communicate in the home and 2) lack the necessary English skills to survive in a mainstream classroom without special services. Such students are known as limited-English-proficient (LEP).

Students in the TBE program make up 6.7 percent of Washington's total student population. Of these LEP students (half of which are in grades K-3) 52.8% are males and 47.2% are females—a proportion that has remained fairly constant for the past 15 years.[6] As can be seen in *Figure BL-1*, the percentage of LEP students has continuously increased since 1986. The Superintendent of Public Instruction (SPI) speculates that reasons for this increase may be attributed to higher birthrates among minority groups, higher levels of immigration, an increase in districts with approved TBE programs, and a higher rate of LEP students entering than exiting the TBE program. For example, in 1999-2000, 20,545 students entered the TBE program while 16,474 exited the program: a net difference of 4,171 students.

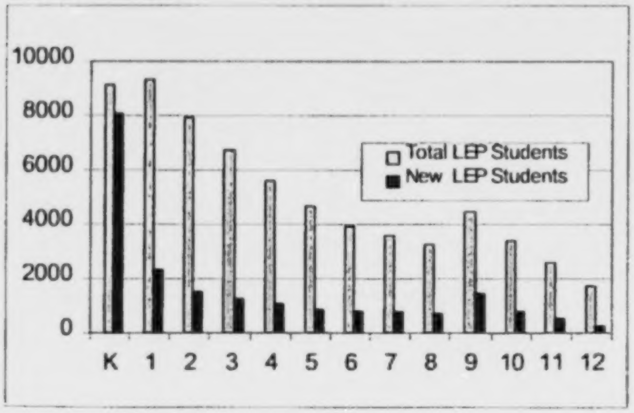


Figure BL-2: LEP students by grade, 1999-2000. *Source:* Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

Transitional bilingual education programs exist in 185 of Washington's 296 school districts. These 185 districts represent 63 percent of total districts and enroll over 95 percent of the total student population.

- 19 districts have a TBE program whose LEP students represent at least 25 percent of the student body.
- 19 districts have a TBE program serving more than 20 languages.
- 56 districts have a TBE program whose LEP students are at least 95 percent Spanish-speaking.
- 20 districts have a TBE program that serves at least 1000 LEP students.

Grade levels

Fifty percent of all LEP students are in grades K-3. In school year 1999-2000, kindergarteners represented 39.2 percent of the new LEP population. The percentage of LEP students gradually declines after first grade. However, in 9th grade, there is an increase in the number of *new* and *total* LEP students.[7] *Figure BL-2*

One program administrator in Grandview attributes the re-entry of LEP students who have previously been served by the TBE program to insufficient language preparation in elementary school and a more challenging curriculum in high school.[8]

Languages

A total of 159 primary, non-English languages were represented among the students served by the program in school year 1999-2000. Some districts could not identify the names of the languages spoken by their LEP students, so more than 159 languages may exist.[9] *Figure BL-3* shows the most common languages.

A majority (61%) of LEP students in Washington speak Spanish. Nationwide, seventy-five percent of the United States' LEP students speak Spanish. *Figure BL-4* shows a steady increase in Spanish-speaking LEP students in Washington.

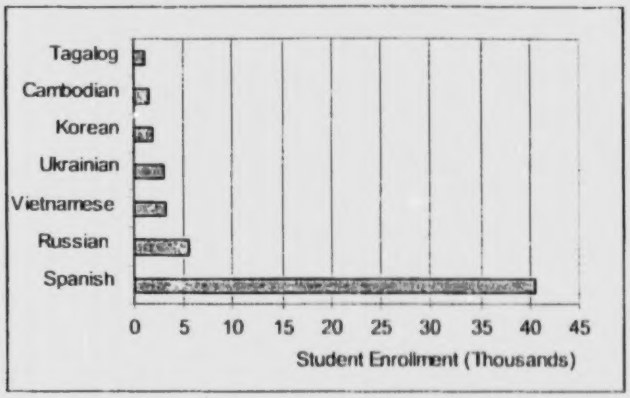


Figure BL-3 Languages of LEP students. *Source:* Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

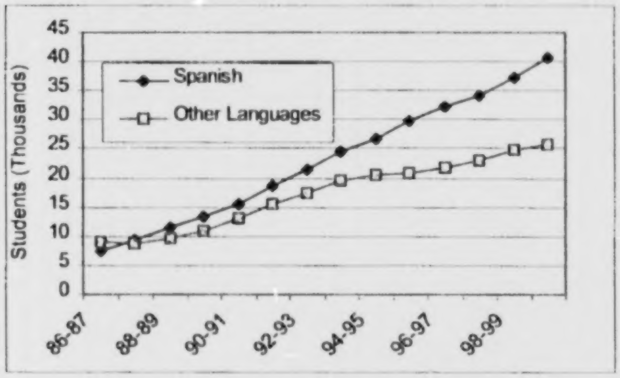


Figure BL-4 Spanish-speaking students. *Source:* Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

Entrance and exit criteria

Entrance. To be eligible to participate in the TBE program, a school district determines that a student's primary language is not English and that the student is unable to communicate in English "to any practical extent" (WAC 392-160-015). The student's inability to communicate is determined in an interview with appropriate school district staff. If the interviewer determines that the student is eligible for TBE, no other test is needed. However, if a student's eligibility isn't apparent in an interview, then s/he must score below a minimum level on an oral proficiency test administered by the district. According to the OSPI, most districts use the Language Assessment Scales (LAS), or Pre-LAS oral proficiency tests. The bilingual advisory committee, at the time of publication of its 2000 report, was studying assessments to recommend that only one be used statewide.[10]

Exit. A student must be reassessed annually to continue in the TBE program. To exit, a student must score above the 35th percentile in the reading and language arts portions of an approved normed written test. The tests taken in Washington are the Iowa Test of Basic Skills (ITBS) and the Washington Assessment of Student Learning (WASL). Once a student scores above the 35th percentile, s/he must exit the TBE program.[11]

New Legislation. New state legislation (HB 2025), effective August 23, 2001, requires the OSPI to review the criteria determining when LEP students are required to take the WASL. Currently, all students take the WASL in grades 4, 7, and 10, and the test scores of LEP students are included with all district scores when they are reported to the state.

According to HB 2025, the review by the OSPI shall determine if the testing criteria are "developmentally appropriate for students." The OSPI is also to develop an evaluation tool to measure increases and progress in the academic and English proficiency of LEP students.

The legislation further states that districts are to assess potential LEP students *within 10 days* of school registration using state-approved tests, reporting results to the OSPI.[12] Previously, districts were required to establish eligibility *within 20 days* after a student began attendance in a school district.

HB 2025 also states that districts shall annually assess LEP students *at the end of the school year, reporting results to the SPI.* Districts used to evaluate LEP students annually "before the conclusion of each school year" to measure improvement in learning the English language and overall academic progress, an evaluation that must include a standardized test in reading and language arts (RCW 28A.180.040, WAC 392-160-015). The new addition to this portion of the law seems to be that districts must test students at the *end* of the school year and must report test results to the OSPI.

In summary, the effects of HB 2025:

- LEP students may no longer be required to take the WASL until it is deemed developmentally appropriate.
- Development and implementation of an assessment tool that will measure LEP progress in English proficiency.
- Determination of student eligibility for the TBE program within 10 days instead of 20, reporting results to the SPI.
- Annual assessment required at the *end* of the school year, reporting results to the OSPI.

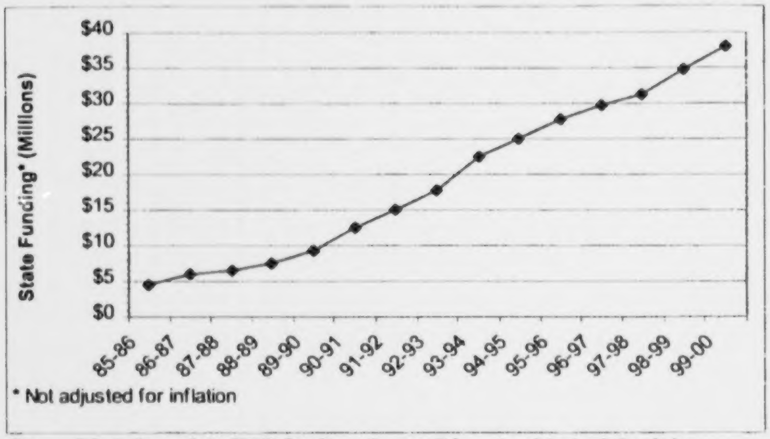


Figure BL-5 Growth in TBE funding. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

What does it cost?

Districts receive extra state funding based on the average number of LEP students enrolled each month. In 1999-2000, districts were awarded about $691 per student for 55,651 students—the average enrolled each month. The total number of students served was 66,281. The amount provided by the state in 1999-2000 totaled $38.4 million, an 11% increase from the previous year.

For the school year 2000-01, districts were awarded $711 per student, a three percent increase from school year 1999-2000. The appropriations for the biennial budget of 2000-2002 were $73.5 million. Appropriations are adjusted annually.

Total LEP funding is about 18 percent more than the base amount provided for all students. *Figure BL-5* shows growth in Washington's TBE program funding since 1985.

School districts rely not only on state funding to support TBE, but also use local and federal funds. In school year 1999-2000, Washington districts used $11.9 million in local funding for LEP students. Federal funding is minimal compared to state and local funding. Expenditures including local, state, and federal funding totaled $52.3 million and break down as follows:

- 73% state
- 23% local districts
- 4% federal (includes Title I and Special Education) [13] *Figure BL-6* shows the number of students also receiving funding from other programs.

Where funds are spent

Most expenditures in the TBE program are staff related.[14] In 1999-2000, ninety-five percent of non-federal spending paid staff benefits and salaries, totaling about $47,785,000.

As the Superintendent of Public Instruction report states, "Districts have relied more heavily on instructional aides than certificated teachers when it comes to teaching LEP students."[15] In school year 1999-2000, a total of 2,556 staff were involved in providing instruction in the TBE program: 1,772 were aides, more than double the 834 teachers. Of the state-funded teachers instructing LEP students, only 45 percent had an English as a Second Language (ESL) endorsement and 17 percent had a bilingual endorsement (some have both). The state has no data on qualifications and training of staff hired by a district with funds not provided by the state.

Figure BL-7 shows Washington's five-year full-time equivalent (FTE) trend of staff involved in the TBE program. In 1999-2000, aides represented about 56 percent of total FTEs, which is less than the two previous years. In the five years shown, FTE staff has increased by 250, while state funding has increased from $28 million to $38 million, a total increase of about $10 million.

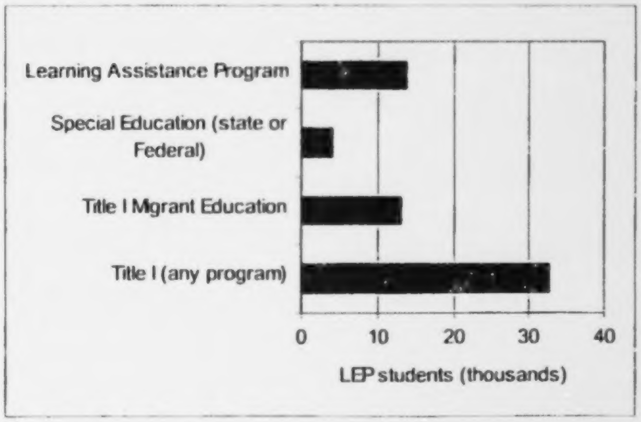


Figure BL-6 LEP students in other programs, 1999-2000. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

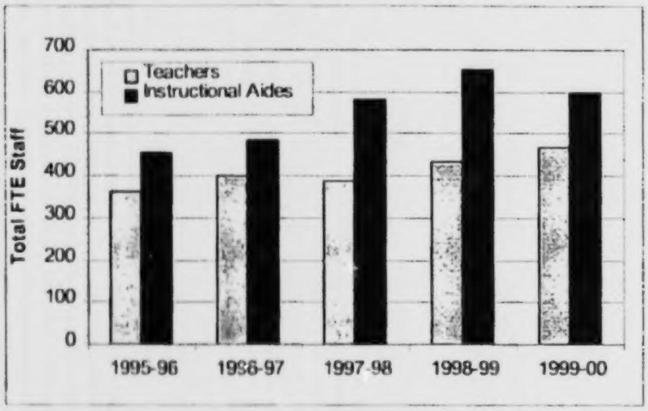


Figure BL-7 FTE staff in TBE. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

What are we getting for the money?

Some glaring deficiencies exist in Washington's TBE program.

- LEP students stagnate in "separate but equal" education classes. Nearly one-half (40%) of LEP students have not, after the three-year time limit, been transitioned out of the TBE program. Presumably this means that they are unable to succeed in an English-speaking school system. *Figure 3-8* shows length of stay in the program, excluding new students in school year 1999-2000. Students represented in the graph have been enrolled in the TBE program at least since 1998-99.
- TBE has officially existed in Washington since 1979, but the Superintendent of Public Instruction has not yet implemented a useful system of collecting statewide data to determine which aspects of the program are beneficial to students and which are not. However, an improved system has been in the works for the past two years and should be finished in 2002. Without access to more detailed data, accurate analysis cannot be completed.
- Less than half of teachers instructing LEP students are certified to do so, and the qualifications of instructional aides are either unknown or unreported.
- The Superintendent of Public Instruction's goal of providing instruction in the primary language would require an impossible number of teachers speaking and teaching in the languages of LEP students—a goal all the more difficult as the number of different languages increases.
- Increases in funding have not produced increases in results.

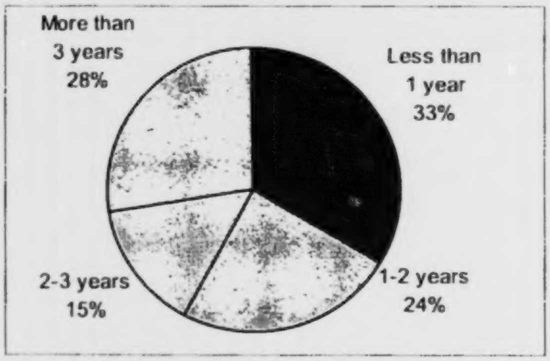


Figure BL-8 TBE students by time in program. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

Back to TBE's beginning—almost

For decades researchers have been reporting an achievement gap between white and minority students. Christine Rossell and Keith Baker, longtime researchers of bilingual education, explain succinctly the reason that bilingual education was instituted: "All-English instruction didn't eliminate the achievement gap. So it was replaced by its opposite."[16] The Bilingual Education Act was implemented in 1965—with good intentions but no scientific foundation to support a policy and ideology favoring native language instruction over English instruction.

The rationale behind TBE relies on two hypotheses as explained by James Cummins, a professor of Education at the University of Toronto. The hypotheses are based on the facilitation theory.[17] Supporters of TBE, including Washington's Superintendent of Public Instruction, use these two premises as the basis for the necessity of instruction in a student's native language:

- For young children, learning to read first in the native language is necessary for optimal reading ability in English.[18] **In other words, for a child to read to the best of his/her ability in English, s/he must first learn to read in the primary language.**
- For all children, learning a second language takes time and students should not lose ground in other subject matters.

James Cummins first wrote about the facilitation theory in 1978. It has two parts:

1. The threshold hypothesis states that an LEP child must attain a high level of ability in the native language before transitioning completely to English to avoid cognitive disadvantages.

According to Rossell and Baker, the theory is vague regarding the exact level of proficiency in the native language that meets the required threshold where complete English instruction may begin without damaging the child. The writings of Cummins imply that it takes up to *seven years* before the threshold is attained.[19] If TBE is implemented according to the facilitation theory, a child would be taught in his or her native language for up to seven years before transitioning fully to English instruction. Why? Not to become bilingual, but to avoid theoretical and unproven cognitive disadvantages. Kenji Hakuta, a researcher and supporter of bilingual education, admits that there are no known links between cognitive ability and bilingualism.[20]

2. The developmental interdependence hypothesis states that acquisition of a second language (English) is facilitated by reading skills already developed in the first language.

Certainly, an immigrant child with a higher level of education from his or her home country will initially acquire English at a faster rate than a child of the same age with less education. Knowing this, should we then educate Joaquin in Spanish—pretending that he is still in Nicaragua—so that his eventual transition to English will hopefully be easier than for an illiterate child? Since it takes 3-4 years to acquire literacy in Roman-alphabet languages, he will not completely acquire English literacy until 5-7 years after bilingual instruction begins.[21] Assuming Joaquin enters school in 1st grade, he will not start learning to read in English (optimistically) until third or fourth grade, and won't have basic reading skills in English until sixth or seventh grade.

A serious flaw of the facilitation theory is the lack of attention it gives to languages that are not based on the Roman alphabet and that have no similarity to English. For children from such a language background, it may very well be more difficult to learn to read in the native language than in English. Rossell and Baker found no non-Roman-alphabet bilingual programs in the United States that taught initial literacy in the native language.

Rossell and Baker, whose breadth of work analyzing bilingual programs research surpasses most, summarize findings on the facilitation theory by stating that it "has been overwhelmingly accepted by educators in bilingual education as a proven fact and as the explanation for TBE's superiority to all other second language acquisition techniques, even though more than 15 years of research and literally thousands of studies have confirmed neither the theory nor the predicted effectiveness of bilingual education programs."[22]

In fact, two important studies suggest that the threshold hypothesis may work in reverse, meaning that a certain level of *English* ability needs to be achieved, not native language ability, before instruction in English is consistently superior to native language instruction.[23]

Regarding literacy and the facilitation theory, a review of additional research is necessary. For now, suffice it to say that bilingual education research shows that

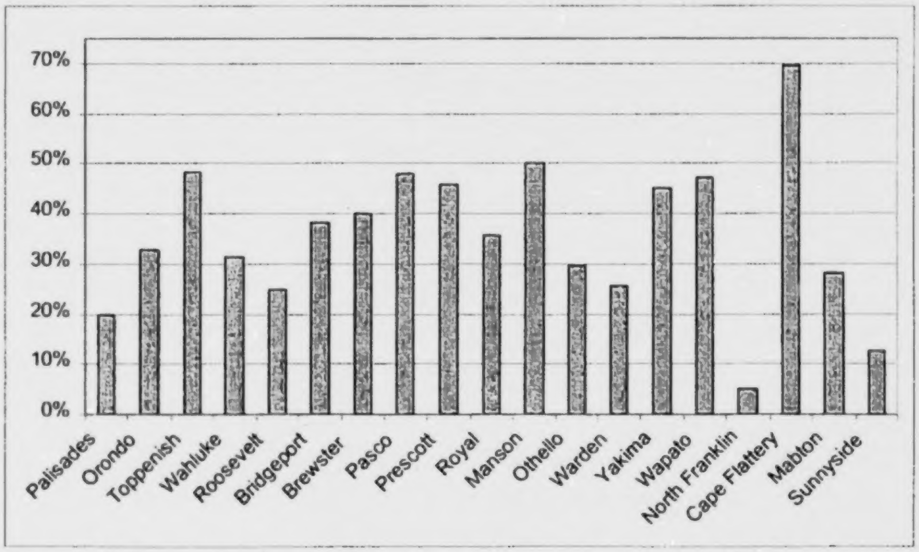


Figure LP-9 Percent of students in TBE >3 years, Districts with at least 25% LEP. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000* teaching students to read and write in their native language is at least "marginally detrimental to overall education and acquisition of English."[24] It is not necessary for students to learn to read in a native language before doing so in English.[25] In fact, it is not only unnecessary, but teaching literacy in English *first* has no ill effects.[26] It is extremely important to note that a child's reading level in 1st grade is a predictor of reading achievement into high school.[27]

Kenji Hakuta, in *Mirror of Language*, concludes:

> There is a sober truth that even the ardent advocate of bilingual education would not deny. Evaluation studies of the effectiveness of bilingual education in improving either English or math scores have not been overwhelmingly in favor of bilingual education . . .. An awkward tension blankets the lack of empirical demonstration of the success of bilingual education programs. Someone promised bacon, but it's not there.[28]

It takes time!

One year is not enough time to learn English, claim supporters of bilingual education. Hakuta, Butler, and Witt write about oral and academic proficiency, concluding — along the same lines as the facilitation theory — that oral proficiency takes three to five years, and academic proficiency takes four to seven years.[29] This may very well be true, as anyone who has studied a language knows that it usually takes years to obtain fluency.

However, the research conclusions of Hakuta et al., focus on how long until a student is *fluent*, not on how long a student *needs services*. Nearly all students understand enough English within the first year to comprehend English instruction.[30] It must be recognized that the length of time it takes to achieve parity and to participate with native English speakers does not equal the length of time a student should be in separate ESL or TBE classes.[31]

Another side of the story

In a review of the National Research Council's report, Charles Glenn, a professor of educational policy at Boston University, asks, "Why have we kept mandating a particular form of schooling for language-minority children if we know so little about whether it is working?"[32] This is a valid question, since more than thirty years of research have come to contradictory conclusions about the efficacy of bilingual education and in fact relatively few studies have been carried out in such a way as to render the results scientifically valid.

A major argument by those who oppose bilingual education is that the amount of time a student spends studying English determines the extent to which English is learned. This is known as the time-on-task theory, which implies that bilingual instruction is inferior to all-English instruction. However, Rossell points out that if time on task were the most important factor, "all-English instruction would always be superior to any form of bilingual education." Time on task does indeed have a significant effect on language acquisition. Other variables, however, such as classroom atmosphere, pace of instruction, curriculum content, a child's family characteristics, intelligence, classmates, and the intelligence and talent of his or her teacher also greatly influence achievement.[33]

In a study by Rossell and Ross, some factors are outlined that may explain why "some methodologically sound research studies show TBE (i.e., less English language time on task) to be no different from or superior to submersion." (Submersion means placing LEP students in a mainstream classroom without any special language assistance). First, much of the learning in a submersion environment is initially not effective because the student does not understand what is going on. As English becomes more understandable, more time spent on English becomes more advantageous. Therefore, at the end of three years, Rossell explains, students in submersion and TBE "may end up with the same amount of effective learning time in the English language, with TBE producing more at the beginning and submersion more at the end."[34]

The second factor "explaining the lack of harm of TBE…is that the supporters of bilingual education may be at least partially right—bilingual education may have important psychological effects that compensate for the reduced English language learning time." If TBE provides an environment where students feel protected and safe, where they do not feel alienated or inferior, and that makes school more enjoyable, students may come to school more often and pay better attention.[35]

Definite disagreement exists among educators of LEP students as to when English instruction should begin. It is important to note that age of exposure is directly related to second language proficiency. Glenn, in a review of the NRC report tells us that older language learners (such as a teenager) are able to learn grammar and vocabulary more efficiently but lack ability to pronounce a new language without an accent, especially when the language is learned as an adult. Glenn states, "'The earlier the better' is not a good rule if efficient learning is the goal, though no harm seems to be done by early exposure to learning a second language and often…it can result in greater language proficiency over the long run."[36]

Middle Ground?

Does an effective middle ground exist built upon the effective components of both TBE and immersion programs? Likely, yes. Following is a brief list of components common to both TBE and immersion:[37]

- Some native language instruction, especially initially when a child knows no English
- Native language used to clarify instructions
- A relatively early phasing-in of English instruction
- Teachers specially trained in instructing English-language learners
- Schools that are prepared for the needs of newcomers
- Eighty percent of class time used for academic learning
- Content areas (such as math and social studies) taught in English

Washington state's goals

The stated goal of transitional bilingual education in Washington state is to develop competent and adequate English language skills—a worthy goal. The means set by the state to achieve that goal, however, have proven unrealistic and seemingly impossible.

Let's take a quick look at Washington's statistics again: at least 159 languages; 66,281 limited-English-proficient students; only 45 percent of teachers teaching LEP students have ESL certification, 17 percent have bilingual certification (some have both); between 1995 and 2000, a mere 8.1 percent (average) of LEP students were transitioned out of the program into mainstream classes. These statistics paint a picture of a troubled TBE program.

Superintendent Terri Bergeson believes the locus of the problem is non-native language instruction, stating:

> The problem is, most LEP students in Washington receive little or no instruction in their primary language. The lack of qualified teachers who speak other languages and the sheer number of different languages spoken by students limit schools' ability to provide comprehensive instruction in both English and the primary language.

However, if one agrees with Superintendent Bergeson's analysis of the problem, to remedy the teacher shortage so all LEP students can be taught in their primary language requires funding and recruitment on a massive scale. Currently, an estimated 20.1 percent of LEP students are educated in a program that utilizes the native language for instruction; 68 percent are educated primarily in an English as a Second Language (ESL) program; and 11.7 percent are in an unknown type of program.[34] It is clear that most students are not being educated according to the goals of the TBE program: they are not transitioning within three years, and the majority are not even in what could be labeled transitional bilingual education.

"The purpose of the program is to provide temporary services for up to three years until limited-English-proficient students can develop adequate English language skills. Thus, instruction is provided in a 'transitional' program."

–SPI report, p. 31

The Colorado Department of Education's *Handbook on Planning for LEP Student Success* cites four conditions to place on the goals for LEP students:[39]

- Their meaning should be clear to the people involved. [Students, parents, educators, school districts, lawmakers]
- They should be agreed upon by educational planners and decision makers. [Parents, educators, school districts, lawmakers]
- They should be clearly identifiable as dealing with an *end product.*
- They should be *realistic* in terms of the time and money available.

The last requirement suggests reasons for the state of Washington to reevaluate its TBE program since, as the Superintendent of Public Instruction has noted, our state contains so many speakers of other languages that it is would be impossible to provide all LEP students with instruction in their native language. Such a vast expansion of instructional staff hasn't happened yet, and it's not likely that it will.

Accountability for results

The fact remains that the goal of Washington state's program is to help LEP students achieve English language success. This is a broad goal that renders itself achievable by any number of avenues, but, upon closer scrutiny, lends itself to confusing, inefficient, and often ineffective methods of implementation.

In Texas, a state with one of the largest LEP populations, the League of Women Voters of Houston conducted a survey and found "confusion and disagreement among educators and community leaders about the definition, purpose, and goals of bilingual education."[40] This finding is not uncommon and is, in fact, one of the defining elements that causes bilingual education to be such a hot topic.

The origins of bilingual education in America were noble. As Linda Chavez states, "The original intent of the law was to teach English so that students could become full participants in society and citizens of the USA."[41] That ideal has changed. Instead it has been replaced with a desire to preserve culture and language. (While this may be valuable, the question revolves around who has the preservation responsibility: our public education system or families?) For many people in the bilingual bureaucracy, native language instruction has become *the goal*, rather than the means to a better education.[42]

We must decide whether our mission is to maintain languages and cultures, or to overcome barriers to successful

Oftentimes, fear that students will lose their native language outweighs the importance of learning English.[43] We must decide whether our mission is to maintain languages and cultures, or to overcome barriers to successful participation in society. Our decision should bring about the full participation of LEP students in their education, helping them to become productive citizens. Schools must be held accountable to achieve such results within a reasonable amount of time.[44]

A different agenda?

Bilingual education has earned the distrust of many citizens because of attitudes within the education administration that seem to use bilingual education as a tool to advance an agenda unrelated to student academic welfare. For example, bilingual education is supported by some as the means to advance a movement to recognize Spanish as the second national language of the United States.

> Spanish "should no longer be regarded as a 'foreign' language," according to Josuè Gonzàlez, director of bilingual education in the Carter Administration and now a professor at Columbia University Teachers College. Instead, he writes in *Reinventing Urban Education*, Spanish should be "a second national language."[45]

According to Rosalie Pedalino Porter, herself an immigrant and previous director of bilingual and ESL programs in Newton, MA, the initial expectations of bilingual education were: "better and more rapid learning of English, better mastery of school subjects, and higher self-esteem among students by using their native language in the classroom, which could lead to higher academic achievement and lower rates of school dropouts."[46] Unfortunately, for too many students in bilingual education none of these goals have been achieved. Yet the bureaucracy of bilingual education seems to ignore the fact that the status quo and ever increasing funding has done little to change the achievement gap for the very students it originally intended to protect.

Who has the responsibility to maintain native languages and cultures: families or schools? In *Forked Tongue*, Rosalie Pedalino Porter submits that the goal of education is not to teach each group only about its own family and culture.[47] Rather, the focus must be on preparing students to become empowered participants in society.

National Action

Arizona

In November of 2000, voters passed Proposition 203 by a 2-1 margin.[48] The new legislation, affecting about 100,000 LEP students (or nearly 1 in 8 students)[49] requires that all students be "taught English as rapidly and effectively as possible" in one-year structured English immersion programs. Students may be placed in an alternative program only by receiving a parental waiver.

A look at Arizona test scores gives some insight as to why Arizona has followed California's lead in eliminating bilingual education. The Center for Equal

Opportunity reported that in 1998-99, students in bilingual programs scored between the 25th and 17th percentiles on the Stanford 9 test in English, while those in ESL programs scored at the 41st percentile (native English speakers scored at the 53rd).[50]

At the request of the Arizona Department of Education, the Institute for Research in English Acquisition and Development (READ) analyzed a model bilingual program to identify key elements of its success.[51] Creighton Elementary School District was selected because it provided TBE instruction to a large number of LEP students, it had a high transition rate, and it was recommended by leaders in the bilingual education field.

Parental involvement in program choice is a key component to Creighton's success. The three programs choices offered are: 1) traditional bilingual/bicultural, which develops native language literacy before English literacy; 2) pull-in ESL, where ESL is provided within a mainstream classroom; 3) a dual language program which puts LEP and native English speaking students together in order to teach proficiency in both languages.

The student population is over 50 percent LEP and growing. The district has a year-round schedule with three inter-sessions and a preschool program to provide remedial assistance as needed. There is a strong commitment to training and professional development of both teachers and aides; Creighton receives federal Title VII funds to assist with this. All teachers who work with LEP students are either bilingual/ESL certified or are currently seeking certification. Interestingly, Creighton does not use smaller class sizes for LEP students; instead, LEP students are integrated as much as possible with mainstream students.

As a result of Proposition 203 (requiring students to be mainstreamed in one year), for the 2001-2002 school year, the old ESL program will become a new Structured English Immersion program; the bilingual program will become a language support program with at least fifty percent of instruction in English and with literacy instruction beginning in English instead of Spanish; and the dual language program will remain unchanged.

Salient features contributing to Creighton's success:

- Parents choose how their child is educated
- All teachers and aides who work with LEP receive special training
- LEP students are integrated as much as possible with native English speakers
- Extra help is offered for students that need remedial assistance

California

This is a state with 1.4 million LEP students as of school year 1999-2000,[52] representing about 50 percent of the nation's LEP population, 82 percent of whom speak Spanish. Understandably, California has been the focal point of dramatic changes in bilingual education. Frustrated with bilingual programs that didn't deliver what they promised, California voters passed Proposition 227 in June 1998 requiring that all LEP students be educated through structured English immersion with the firm goal of mainstreaming after one year. Students can be placed in a bilingual program by receiving a parental waiver.

Some of the consequences of this change are as follows:[53]

- Since the implementation of Proposition 227, test scores on the Stanford-9 achievement test have shown greater improvement in the younger grades, suggesting immersion works well for younger LEP students.
- Oceanside Unified School District fully implemented Proposition 227, completely doing away with bilingual instruction. Since then, Oceanside has experienced amazing test score increases. Other districts, such as Ceres and Santa Barbara, that chose to fully implement English immersion programs, also showed great test score increases among LEP students. It is difficult to isolate what influenced the change in test scores since a switch from bilingual education to English immersion was accompanied by a reduction in class size in grades K-2 and implementation of a phonics approach to reading. Dr. Joseph Farley, assistant Superintendent of Oceanside School District and former bilingual educator, testifying before a U.S. House Subcommittee on June 24, 1999, commented on the results: "Our Superintendent [Ken Noonan] was the founding president of the California Association for Bilingual Education and we all campaigned against the initiative, but these results are forcing us to reevaluate our position on bilingual education."
- Only one district, San Jose Unified School District, is legally exempt from complying with Proposition 227 because of a court-ordered consent decree mandating bilingual education.

San Jose also showed some of the least impressive improvements in LEP test scores, especially in reading and language, remaining below average for the past two years.

- Many districts aren't complying with Prop 227 or have used the parental waiver process to pressure parents into continuing their children in bilingual programs. Three districts maintaining bilingual programs are Santa Ana Unified, Vista Unified, and Ocean View (Ventura County). These districts are cited by bilingual advocates as providing good bilingual programs, but did not produce test score results that were better than the previously listed districts that switched to English immersion.
- Other districts, such as San Francisco Unified and Oakland, selectively administered the Stanford-9 test only to LEP students who were thought likely to pass, therefore skewing test results to create the appearance of a successful bilingual program.

California will be closely monitored to see how LEP students are fairing in school systems that implement English immersion. So far, the harsh criticism of widespread English immersion—which predicted harm and failure for California's 1.5 million LEP students—has not been proven accurate.

Colorado

Voters in 2002 will choose whether or not to replace bilingual education with a one-year immersion program. Last year a similar proposal was challenged by a court and taken off the ballot.[54] The latest petition would require schools to implement a one-year English immersion program unless parents choose otherwise.

Connecticut

After twenty years of mandatory placement in bilingual education, schools must now seek parental consent before enrolling students in bilingual programs. Public Act 99-211, *An Act Improving Bilingual Education*, went into effect in the Fall of 2000. Connecticut has well over 19,000 LEP students, about 3.6 percent of the student population.[55]

Massachusetts

Massachusetts has more than 122,000 LEP students (over 13 percent of the student population).[56] On July 31, 2001, a ballot initiative similar to those in California, Colorado, and Arizona was launched on the front steps of the Statehouse in Boston. Thirty years ago, Massachusetts was the first state to establish a mandate for bilingual education. Now, many education leaders—who themselves taught in the bilingual system and have become disenchanted with it—are lobbying for change with the English for the Children campaign. Supporters hope the initiative will be on the 2002 ballot.[57]

New York, NY

As one writer for the New York Times put it, "Over the last 25 years, bilingual programs at many schools have become foreign-language ghettos from which many children never escape."[58] The New York City Board of Education enacted a policy in March, 2001, supposedly overhauling the bilingual education program with a 7-to-0 vote. The purpose: to expose more LEP students to English during the school day. It gives parents the right to choose whether their child will be educated in new classes that emphasize instruction in English, or to remain in classes with native language instruction.

Previously, about half of the 176,000 students enrolled in the bilingual program participated in ESL classes (subjects are taught in English). The rest of the bilingual students received some instruction in English but other courses—such as math and social studies—were taught mainly in their native languages. Parents will now be given several choices ranging from traditional bilingual to virtually full-time English immersion, with the goal of moving students into mainstream classes as quickly as possible. Speculation exists as to how many changes will actually be enacted due to funding conflicts.

March 2001 also began the first phase of Saturday school classes: 34,000 children were invited to participate, 16,000 of whom were offered English classes if they had been in bilingual or ESL classes for more than three years.[59]

Research

Two competing theories exist when it comes to bilingual education models:

- Teach students first in their native language
- Teach in English as soon and as much as possible

Each is either accused of linguicide and cultural imperialism, or ethnic separatism and self-interest.[60] Research can be found to support both of these conflicting theories, however, relatively few studies are methodologically sound.

Is one year enough?

This is quickly becoming the most asked question regarding LEP students. Before answering the question, it must first be expanded. Is one year enough to become as fluent as a native English speaker? Not usually. Is one year enough to participate in mainstream classes with native English speakers? Usually.[61]

Rossell points out that research focuses on how long until a student is *fluent*, not on how long a student *needs services*.[62] Predictions of three to seven years until fluency is achieved do not mean that a student must be in TBE classes the entire time.

In fact, a look at the methods used to educate immigrant children in other Western democracies (France, Germany, Australia, Canada, Belgium, the Netherlands, Denmark and Switzerland) will prove insightful. Two types of programs have been implemented. The first is a one-year reception class, where newcomers intensively study the language of the school for one year (two if necessary) and then are integrated into regular classes with ongoing support as needed. Kindergarteners are placed directly into a mainstream classroom, and older students' previous education is assessed for the best placement so classes will continue in subjects previously learned.[63] Accountability for results is essential to the effectiveness of such an approach.[64]

The second program offers students the opportunity to voluntarily continue development of their native language as an elective, sometimes after school.

The goal of both of these programs is to integrate immigrant students as quickly as possible into the mainstream while supporting native language development.

One-year immersion programs are also found in the U.S., although they do not all carry the same label. In *The ABC's of English Immersion: A teacher's guide*, Rossell lists many cities across America with "newcomer" schools, and quotes a description of them:

> The newcomer schools in our sample are impressive places: In their clear sense of mission, innovative curricula, professional teaching staff, and links to the larger community, they represent the kinds of schools to which all children, immigrant and native born, should have access.... The newcomer schools in our sample are all self-contained programs that students attend full-time for one or two semesters, and all but the Los Angeles high school operate in physically separate locations. However, there are a variety of other newcomer models, including ones that students attend for half the day and then spend the remainder of the day in mainstream classes.[65]

Rossell concludes by addressing why California's Proposition 227 limits to one year the time a student can be placed in a separate below-grade level classroom: not because anyone thinks non-English speaking children will have mastered English in one year, but because evidence suggests that sometime during their first year, immigrant children will understand enough English so that they will be better off in a grade-level mainstream classroom than in a remedial classroom.[66]

Research focuses on how long until a student is fluent, not on how long a student needs services

In addition, the school year is packed with subject material students must learn. Stressing maintenance of the native language or balanced bilingualism distracts from instruction that produces improved English ability.[67] The fact of the matter is that when a new subject such as native language maintenance is added, a trade-off is made between English language instruction or subject matter. Beneath all the rhetoric remains the fact that students can understand and function effectively in English long before they have achieved parity.[68]

Assessment

An essential, but disappointingly undefined and inaccurate area of bilingual education is the assessment of LEP students. English proficiency tests and standardized achievement tests are both used to assess fluency in the English language. However, determining fluency based on these tests is inaccurate because the tests cannot separate fluency from academic ability. In other words, a wrong answer may be wrong for one of two reasons: either the student didn't know the answer (academics), or they couldn't understand the question (language fluency). In addition, standardized tests are designed on a bell curve so that 35 percent of students taking a test—even if they are fluent English speakers—will score at or below the 35th percentile.

With these odds, one can see why it could be very hard to test out of the TBE program. Another strike against the likelihood of testing out of the program is that students with lower socioeconomic status score

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significantly lower on achievement tests, and immigrant children tend to be a high poverty group.[69] In Washington, 49.3 percent of LEP students were served by Title I in the 1999-2000 school year. Also, if the percentage of LEP students in a school district rises above 15 percent, the level of students meeting Math and Reading standards decreases below the state average. Districts with higher levels of LEP students have a higher percentage of low-income students and lower achievement test scores.[70] See *Figures BL-10, BL-11.*

It is no wonder that 40 percent of our state's LEP students stagnate in segregated classes when the state requires a test score above the 35th percentile on an achievement test to exit the TBE program, a score which 35 percent of fluent-English students taking the test would not achieve.

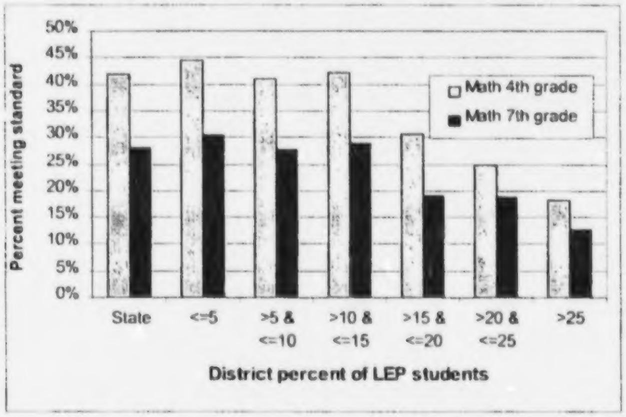

Figure BL-10 District math scores by percent of LEP students. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

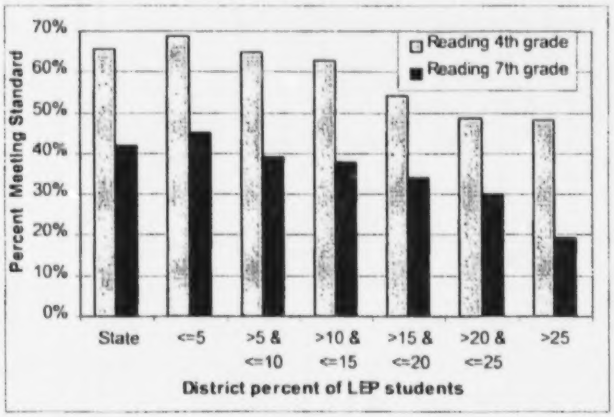

Figure BL-11 District reading scores by percent of LEP students. Source: Educating Limited-English-Proficient Students in Washington State, *OSPI Report, December 2000*

Proficiency Tests

Proficiency tests fare no better than achievement tests. Rossell verifies that all English proficiency tests, whether oral or written, are known to be (1) unreliable—the same outcome cammpt be attaomed in subsequent tests of the same child; and (2) invalid—they do not accurately determine who is LEP.[71]

Defining proficiency itself is no easy task, as evidenced by a recent study for the U.S. Department of Education by Hakuta, Butler, and Witt, which found no agreement as to what proficiency is, concurring with a previous report by the National Institute of Education for the U.S. Department of Education, and verifying Rossell and Baker's conclusion that, "Language proficiency is one of the most poorly defined concepts in the field of language education."[72]

To test the reliability and validity of proficiency tests, the same proficiency test that is predominantly used in Washington State—the LAS—was administered to above average, monolingual English-speaking children in Chicago. It misclassified nearly 50 percent of them as LEP. The study also showed an intriguing trend: 78 percent of the English-speaking five-year olds, but only 25 percent of the 14 year olds, were classified as LEP.[73] It is interesting to compare this finding to the distribution of LEP students across grade levels in Washington state, with 50 percent of LEP students enrolled in grades K-3.

A similar study in 1984, by the U.S. Department of Education, administered the Language Measurement and Assessment Instrument (LMAI) to a "nationally representative sample of monolingual English speaking school-aged children. The test classified 42 percent of them as LEP,"[74] even though each child spoke only English.

The basic flaw is this: *Neither standardized achievement tests nor proficiency tests can tell the difference between a student who does not know English and a student who does not know the answer.*[75] Indeed, students classified as LEP also may score as non-proficient in their native language because the tests do not measure fluency alone, but also academic ability.[76]

Sharon Duncan and Edward De Avila studied language proficiency among Hispanic students in California in 1979. A majority (54) of the 101 students classified by the LAS as limited or non-English proficient were *also* classified as limited or non-Spanish proficient by the Spanish LAS. Of the total 96 students classified as LEP, fewer than half (42) were considered proficient Spanish speakers according to their Spanish test score.[77] Another study by Heidi Dulay and Marina Burt in 1980 found that in a sample of California school districts, "only half the Hispanic students identified as LEP…were more fluent in Spanish than they were in English. In one school district, almost 40 percent of the Hispanic LEP children spoke no Spanish at all."[78]

The American Institutes for Research (AIR) national evaluation of Title VII programs (containing The Bilingual Education Act) found that "*less than one-third of the students in Title VII classrooms were there because of their need for English instruction as judged by their classroom teacher.* Only 16 percent were monolingual Spanish speakers. When asked what happens to the Spanish-dominant child after he or she is able to function in English, 86 percent of the project directors reported that the child remained in the bilingual project. [Emphasis added.]"[79]

Teacher judgment

Standardized tests for LEP students were intended to replace teacher judgment. Many studies have been conducted comparing teacher ratings with achievement and proficiency test data. They show the inaccuracy of the latter and the accuracy of teacher judgment in predicting both language proficiency and academic achievement. Indeed, a survey conducted in 1979 by the Southwest Regional Laboratory for Educational Research and Development found the experience of users of these tests to be less than satisfying:

> They expressed little confidence in the tests. Generally users felt that teacher judgment was more likely to be a valid measure of both language proficiency and capability of succeeding in an all-English-medium classroom than any test that they had been using. However, project staff had continued to employ the tests in the entry/exit process in order to satisfy state or federal regulations or to give the appearance of objectivity in project decision making. [80]

A 1989 study by Nancy Russell and Alba Ortiz specifically analyzed the Language Assessment Scales (LAS). They found that the LAS predicted language competence neither in spontaneous conversations nor in reading achievement. Rather, the best predictor of reading achievement was the teacher's rating of language proficiency. They concluded: "the LAS and the Pre-LAS…are of limited value in making placement decisions or planning educational programs for LEP students."[81]

Washington state law allows teachers to assess students for TBE eligibility by first conducting an interview with the child, an excellent step toward eliminating misclassification—if the interview is conducted by a trained and experienced ESL or bilingual teacher. However, based on Washington's philosophy of transitional bilingual education, students who speak English most commonly but are classified as LEP may be taught to read in Spanish (or any other language) on the basis that this will help them learn English.[82]

Neither standardized achievement tests nor proficiency tests can tell the difference between a student who does not know English and a student who does not know the answer.

Literacy

Opponents of transitional bilingual educationcontend that it relegates students to years of classroom instruction that is below grade level and that it inhibits LEP students from participating in school life with their English-speaking peers.

One must ask the question: If Rosa learns to read first in Spanish, when does she switch to English? Once she learns to read in English, when does she stop attending classes taught in Spanish and instead attends classes with the rest of the student body? At some point along the continuum of her educational career, English instruction must replace Spanish instruction. But delaying such a switch makes it more difficult as concepts and vocabulary become increasingly complicated in each grade level.

Early literacy development is extremely important because, as research shows, a child's reading level in first grade is a surprisingly accurate predictor of reading achievement into high school.[84] In "When Older Students Can't Read," Louisa Moats describes the common characteristics of poor readers and effective, intensive research-based instruction that will overcome—within one to two years—the gap between poor readers and their grade-level peers. Moats asserts that "reading failure begins early, takes root quickly, and affects students for life." Over time, the effects of poor reading skills spread like a cancer affecting comprehension, spelling, writing, and even speaking skills.[85]

Rossell and Baker, summing up research findings from across the country, find that teaching LEP students to read and write in their native language is at least marginally detrimental to their ability to succeed in school and their ability to acquire English.[86] In addition, it is certainly not necessary for an LEP child to learn to read first in his or her native language.[87]

> ***It's a fallacy that children cannot speak or write in English by the time that they leave kindergarten. We are living proof. When they leave, they have the foundation necessary to begin the first grade. Some make the transition to an English-speaking class. It all depends on the child.***
>
> –Mrs. Urove-Martinez, teacher at P.S. 83 in New York City, speaking about students who enter kindergarten unable to speak English.[83]

Various programs have successfully taught LEP students to read in English first. The Success for All reading program for third graders teaches all children equally with the goal that each child will leave third grade reading at or above grade level.[88] Herein lies the magic to this program's success: it caters to no culture but instead focuses on effectively challenging students in a way that enables them to succeed. Children from low-literacy homes can learn to read in a second language when given quality instruction.

Other programs are reporting success in teaching elementary-aged LEP students to read in English. Oceanside School District's LEP student test scores increased tremendously after eliminating bilingual education and implementing a phonics-based reading program instead of a whole language approach.[89] When working with LEP students, phonics works better than whole language. "Direct instruction in phonics and other 'processing' skills is more important for these children than it is for middle-class English monolingual children."[90]

Still other research further negates the belief that students must be taught first in the native language. Three pertinent conclusions regarding the education of LEP students can be drawn from a 1997 National Research Council (NRC) study.[91] The fact that these findings come from pro-bilingual authors makes them all the more remarkable:

1. There is no positive or negative effect from teaching in the native language
2. Teaching to read English first is not damaging
3. Emphasizing cultural and ethnic differences is not helpful

Opinion surveys: what parents want

Educators, parents, and researchers across this nation testify that an invaluable element of a child's education is the involvement of his or her parents. With that in mind, a look at what language minority parents desire for the education of their children is fitting. A review of opinion surveys conducted since the 1980's was compiled by Rossell and Baker.[92] Their conclusions are insightful and intriguing.

First, it must be said that support for native language instruction varies among minority groups. Asian parents tend to be less supportive of native language instruction than are Hispanic parents. Also, most parents often support both continued native language instruction *and* all-English instruction at the same time—two mutually exclusive options.

One survey of great importance was contracted by the U.S. Department of Education to the Educational Testing Service (ETS) in 1988.[93] The survey elicited language minority parents' opinions of bilingual education programs. What is apparent from the results is that favoritism toward bilingual education varies depending on the question asked, from over 80 percent to less than 1 percent. For example, 70 percent of parents said they wanted the school to teach literacy in both languages. But only 12 percent of Mexican-American parents wanted Spanish taught in school *if* it meant less time for teaching English. No more than 22 percent were willing to give up art or music to have their child taught the native language. Rossell and Baker assert that "at a minimum, 42 to 52 percent of Mexican-American parents wanted no reduction in English or any other subject in order to include Spanish, *and* they wanted the schools to teach literacy in both languages!"

Trade-off

What many parents don't automatically consider is that there is a trade-off. Adding a second language to the curriculum means that the use of English at school will decline. Parents forget that adding another subject to the school day usually means that something else must be subtracted. When parents are not specifically asked if they are willing to give up English language instruction or subjects taught in English to have their child learn a native language, survey results change dramatically.

Rossell and Baker show that polls about bilingual education "overestimate support for native tongue instruction" because "when the trade-off question *is* asked support plummets about 60 points." When it is not asked, parents often support mutually exclusive alternatives.[94]

It may very well be, according to Rossell and Baker's review of the surveys, that bilingual education is not an issue of importance to language minority parents. This is inferred from responses to a non-directive[95] question from the ETS survey, asking parents to rank the three most important things they wanted their child to learn at school. Teaching the non-English language came to the minds of only 4 to 10 percent of the parents, and almost no one mentioned teaching ethnic heritage.

In answer to another question, almost 98 percent of language minority parents said that learning English was very important, and fewer than half the parents thought that the school had the primary responsibility to teach literacy in the native language.

Rossell and Baker conclude:

> Some of the support shown for bilingual education reflects general support for any special program for language minority children . . . although more parents surveyed support English language programs for LEP students than support native language programs for LEP students, the differences in support are not large. Support for bilingual education programs is undoubtedly inflated by the fact that parents do not completely understand what they are beyond the fact that they are special help programs for LEP children.[96]

CEO Survey

The Center for Equal Opportunity commissioned a national survey in 1996[97] to discern what Hispanic parents want their LEP children to learn. For part of the survey participants were asked to rank a list of five educational goals according to which was most important, second most important, etc. The results can be seen in *Figure BL-12*, showing that parents label as most important English and academic subjects. Learning Spanish is ranked as second most important with 25.5 percent of the votes, behind learning academic subjects (30.7 percent).

Another question on the survey provided evidence about the educational priorities of parents not by asking which is most important, but by asking which should come first. "In your opinion, should children of Hispanic background, living in the United States, be taught to read and write Spanish before they are taught English, or should they be taught English as soon as possible?" Over 60 percent favored teaching English first. *Figure BL-13*.

It is interesting to note that a higher percentage of parents interviewed in English (81.4 percent) favor teaching English as soon as possible compared to a smaller majority (59.2 percent) of those interviewed in Spanish. As the survey reports, "Intensity on this issue varies directly with educational level. The higher the educational level of the respondent, the more likely it is that he or she will prefer that English be taught as soon as possible. A similar pattern prevails with respect to the length of time respondents have lived in the United States." The longer immigrants have lived here, the more likely they are to favor English being taught as soon as possible, especially among Cuban-Hispanics who favor English first by 70 percent.

A final question dealt with the trade-off issue of preserving Spanish versus less time learning English:

In general, which of the following comes closest to your opinion?

1. My child should be taught his/her academic courses in Spanish, even if it means he/she

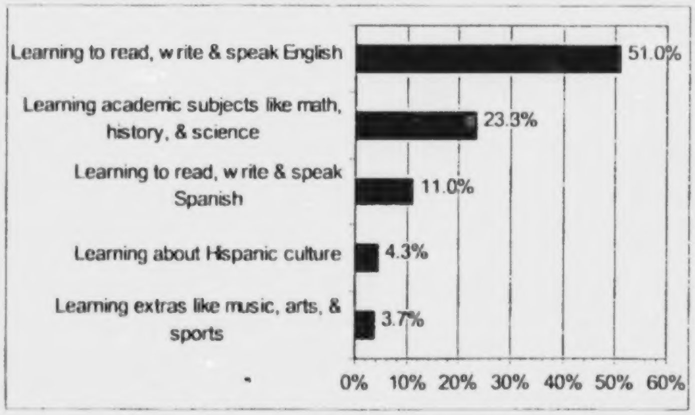

Figure BL-12 Hispanic parents ranking each goal "Most Important."
Source: The Importance of Learning English, A National Survey of Hispanic Parents, ***commissioned by Center for Equal Opportunity***

will spend less time learning English (12.2 percent)

2. My child should be taught his/her academic courses in English, because he/she will spend more time learning English (81.3 percent)
3. Unsure (6.5 percent)

The implications of this and other surveys clearly demonstrate that parents may want their children to learn native language skills, but not usually at the expense of learning to read, write, and speak English or before students learn these skills in English.

Program evaluation

Washington's Superintendent of Public Instruction has come to some general conclusions about the state of the current TBE program. A bilingual advisory committee is exploring the possibility of:

- Selecting one English proficiency test to determine program eligibility
- Developing English language achievement standards to monitor student progress toward English fluency [now required by HB 2025]
- Designing a data collection system that would enable ongoing assessment and monitoring of program effectiveness[98]

Of these three projects, the latter is the most critical for determining future direction of the program. The current data collection system allows for almost no comparisons to be made that would quantitatively determine how effective the program is for certain language groups, districts, socioeconomic groups, etc. According to Helen Malagon, state supervisor of bilingual education, for the past two years, the Bilingual Education Office has been working on creating a new method of collecting data. In addition, the state auditor is examining a sample of districts to determine if students are being transitioned out of the TBE program properly.[99]

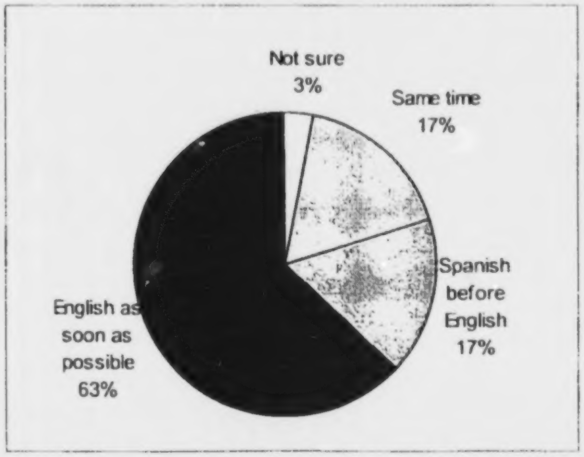

Figure BL-13 How soon should Hispanic children be taught English?
Source: The Importance of Learning English, A National Survey of Hispanic Parents, ***commissioned by Center for Equal Opportunity***

For LEP students in Washington, results speak louder than good intentions, and the results don't show that TBE is working: 40 percent of LEP students stagnate in the program for more than three years. Transitional bilingual instruction is an unnecessary waste of money in a state where 159 languages are represented. Nationally, transitional bilingual education most usually means "transitional Spanish to English education."

Although it is difficult to ascertain exactly from the district data collected, it appears that a majority of LEP students are educated in an ESL program. Something is wrong, however, when 40 percent of those students remain in the program for more than three years. Of course, there is no telling what kind of special assistance the students are receiving—if they are mainstreamed with pull-in or pull-out programs, if they really can't speak English at all or if they are simply receiving minimal help, such as tutoring outside of school or within the classroom.

Culture war: Priorities

The Washington OSPI declares that, "Schools need to provide LEP students with cognitively complex academic instruction through their first language for as long as possible."[100] Instruction in English would then be provided for part of the school day in increasing amounts as fluency increases.

The claim that LEP students *need* to be taught in their native language *as long as possible* is unproven by accurate research and demonstrates a stubborn adherence to theories that were created to support the bilingual education laws decades ago. One could say that we are involved in a cultural war, as many bilingual educators are more concerned with cultural and linguistic maintenance than with the educational achievement of language learners.

The great tragedy is that the casualties of such a war are the futures of LEP students who are left sitting in native language classes. A line has been drawn in the sand, and the ideology of each side could be defined as believing either that native language instruction is *necessary* to guard language fluency at any cost, or that native language should be used only as a support while English is prioritized to achieve complete participation in an English speaking education system and society. From opinion surveys of parents, it is obvious that their educational desires for their children line up with the second set of priorities.

Elements of successful programs

As the OSPI report recommends, focusing on program labels (since programs with the same name, such as TBE, vary widely in practice) is less helpful than identifying effective methods of educating LEP students at the school, district, state, and classroom levels. That is precisely what we hoped would have occurred by now, given the decades that the TBE program has existed in Washington state. Washington does not differ much from the national scene where bilingual education has provided little accurate research, much failure for those it was intended to help, and a stubborn ignorance of the need for change. Thankfully, to create successful programs we need not start from scratch, since researchers have identified common characteristics of successful bilingual and immersion programs.[101] They include:

1) Some native-language instruction, especially initially when a student knows no English.
2) English instruction is phased in relatively early and the native language is then used only to clarify instructions.[102]
3) Content areas such as math, social studies, and science are taught in English.
4) 80 percent of class time is used for academic learning tasks.
5) Specially trained teachers to instruct English language learners.
6) High expectations of LEP students' ability to achieve the same high standards that are expected from native English speakers.

Integration and Communication

Two more elements could be added to the list: (1) early and consistent integration with native English speakers.[103] (2) Constant communication between teachers about LEP students. ESL/TBE teachers need to know of problem areas in the regular classroom to provide the best assistance to LEP students, and to tackle areas of confusion or misunderstanding before they become major hindrances to comprehension.[104]

Plan for Newcomers

Washington state's LEP students tend to be a migratory population, as evidenced by the monthly average of LEP students (55,651) compared to the total LEP students served (66,281). 19.7 percent (13,058) are federally funded by the Title I Migrant Education program. To better deal with this, school districts should plan for the needs of newcomers and design strategies to meet their needs so new students don't hold back the class. The European model of one-year reception classes for newcomers is a recommended example of effective integration of immigrant students.

Teacher training

Returning to the previously listed characteristics of successful programs, number four is: teachers who are appropriately trained to teach LEP students. Washington state has much room to improve as far as training is concerned. Of teachers providing instruction to LEP students in school year 1999-2000, 45 percent had an ESL endorsement and 17 percent had a bilingual endorsement. Only fifty-two percent of the 185 school districts with LEP students provided in-service training for teachers on ESL and bilingual education, and 64 percent of the districts provided such training to instructional aides.[105] No information is presented in the SPI's report that identifies the number of instructional aides trained to work in ESL or bilingual programs.

An important distinction to be made is that teacher and instructional aide training does not mean that instructors are bilingual. Various studies have shown that the bilingual ability of a teacher, or lack thereof, does not affect student achievement.[106] Others show that having a bilingual teacher has a ***negative*** effect on English achievement, but having a teacher who is merely familiar with the child's native language has a ***positive*** effect.[107] Some native language ability is helpful, but too much can actually be detrimental (*if* the goal is English language proficiency) unless the bilingual teacher is able to minimize the amount of time spent instructing in the native language of the students. (In other words, when the Facilitation Theory is subverted, students benefit).

Recommendations

- ***Mandate the results, not the means.*** Districts should be allowed to implement whatever educational programs they think best target LEP students. Education programs for LEP students that fail to achieve their stated goals within the time allowed should not be maintained (at peril of lost funding). Accountability is essential in such an approach, which is why this shift in policy must go hand-in-hand with the next recommendation.

- ***Change the three-year transitioning goal to one year.*** Early results in California indicate LEP students have nothing to lose by making this change and may have a great deal to gain. This would also allow funds to be shifted to teacher training and assistance. After transitioning, LEP students should participate fully in mainstream classes while receiving, as necessary, extra services such as after-school programs, tutoring, and pull-out ESL assistance. To avoid unnecessary segregation, prior to transitioning, ESL students should be integrated into as many activities with their English-speaking peers as possible.
- ***Do not place students in a separate program without parental consent.*** In Washington, the burden is placed on language minority parents to request the removal of their child from special classes. Current law must be amended to require the district to obtain parental consent to enroll a student in a special program.
- ***Base entrance and exit criteria principally on teacher judgment, not test scores,*** until a valid and reliable test is develped or adopted. Research shows that (1) teachers are a more accurate predictor of LEP student success than standardized tests, and (2) that standardized tests are invalid and unreliable predictors of achievement and proficiency.
- "***Improve the instruction of the growing number of LEP students while operating under staff-related constraints.***"– SPI 2000 report. While acknowledging the constraints Washington faces ("The sheer number of languages spoken in many districts and a shortage of well-trained staff who can provide bilingual or ESL instruction potentially makes LEP students more at risk of failing…"), the state superintendent continues to recommend an impossible and extremely costly shift to native language instruction for as long as possible. This is not sensible.
- ***Provide better research and district data about program variations.*** School districts should be required to keep data that will enable state researchers to explore program variations and their effects on LEP students. In addition, an entity outside the state should also analyze the data collected. Washington state TBE program administrators have been designing a more detailed data collection system for the past two years. Only with heightened analysis and quality research will we know exactly which areas of LEP education require improvement, and which are successful.

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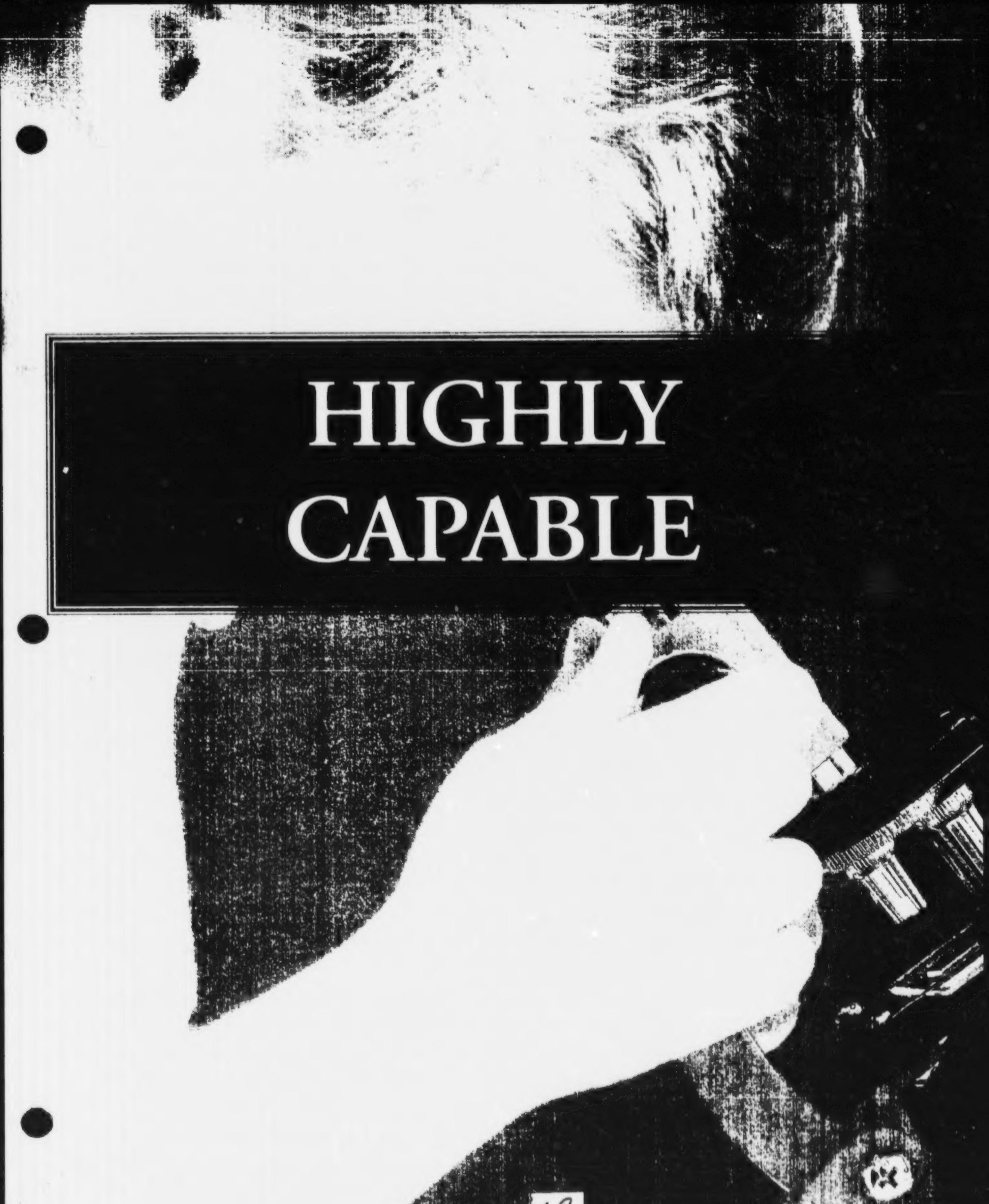

HIGHLY CAPABLE

EDUCATING HIGHLY CAPABLE STUDENTS

Various students at all levels of the Washington state K-12 system require special attention, among them the highly capable. The resource allocation for these students, however, is startlingly different. During the 2001-03 biennium, state lawmakers allocated $12,840,000 to help fund programs for highly capable students, while programs for special needs students received $839,908,000.[1] As a result, the majority of funding for highly capable students generally originates from sources other than state funding, typically local school board levies.

Funding permitting, a variety of methods exist to provide opportunity and motivation for highly capable students to excel. Leading educators differ on whether these students should be mainstreamed, separated from their peers, challenged within their own classrooms, advanced to higher grades, or a combination of approaches.

Some educators say that removing highly capable students from a classroom of similarly aged peers will adversely effect their social development. Others advocate pulling students out for special advanced classes or permitting grade advancement, reasoning that these children adapt easily, usually due to greater levels of maturity. Differences such as these indicate that state programs for the highly capable should be analyzed, evaluated, and discussed thoroughly to ensure that highly capable students are enabled to achieve at the highest level.

What constitutes a highly capable student?

Defining a highly capable student is difficult. State law leaves much of the responsibility for specific determination to local school districts. Districts offering such programs are required to create identification procedures in accordance with the following:

> "School districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities."[2]

Most definitions for gifted and highly talented students come from other sources, usually researchers or organizations that study the development of programs for such students. Beverly Parke, a writer for KidSource Online states that "these students potentially differ from their classmates on three dimensions: (1) the pace at which they learn; (2) the depth of their understanding; and (3) the interest that they hold." Parke continues, "gifted youngsters tend to get their work done quickly and may seek further assignments or direction."[3] She states that they usually ask more probing questions displaying a greater understanding of the material. In the cognitive realm, their interests tend to be much more mature than that of their peers.

An article by the Linda Kreger Council for Exceptional Children gives further insight into the definition of highly capable. It states that "gifted children develop cognitively at a much faster rate than they develop physically and emotionally....[and] tend to experience all of life with greater intensity, rendering them emotionally complex." Because of their unique qualities, these students require "modifications in parenting, teaching and counseling in order for them to develop optimally."[4] The article also outlines potential early indicators , including a fascination with books, unusual alertness in infancy, extraordinary memory, and enjoyment and speed of learning for example.

At the federal government level, both the House and the Senate are exploring bills regarding program funding for highly capable students. These bills define highly capable students as: "gifted and talented students [who]give evidence of high performance capability in specific academic fields, or in areas such as intellectual, creative, artistic, or leadership capacity, and require services and activities not ordinarily provided by a school in order to fully develop such capabilities."[5]

Given the unique characteristics and special needs of highly capable students, it can be difficult for a child's regular classroom teacher to provide the best education given the demands of the entire classroom. This raises the debate of whether or not to pull gifted students out of the classroom to ensure that they are being adequately educated.

Parke advocates that the student be challenged in the regular classroom by 1) developing a flexibly paced academic program that explores topics in detail, 2) working and learning under an independent study or investigation, and 3) making use of mentor programs. Parke also mentions the possibility of placing the student in "classes at another school or institution of higher learning."[6] Since no single definition for the highly capable student exists, no single method of educating this student exists either.

State statutes

The state's mandate regarding education funding is to make "ample provision" for the education of all students. But since highly capable programs have not been included as part of "basic education," the state has not been required to fund these programs on a statewide level. "Supplementary funds . . . may be provided by the state for this program . . . [with] funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment."[7] Currently, the state legislature has chosen to set the percent funded at only two percent instead of three as the statute permits. With state funding at such a low level, local school districts are forced to find money for these programs through levies and other sources.

Individual school districts "employ and pay special instructors and . . . [can] operate such programs jointly with a public institution of higher learning" commonly known across the state as Running Start.[8] Community colleges and universities throughout the state offer courses in which students may enroll to earn concurrent high school and college credit. Additionally, Washington state school districts may work cooperatively with community colleges in Idaho and Oregon to allow eleventh and twelfth grade students to enroll simultaneously, but without charging the student nonresident tuition fees.

The Office of the Superintendent of Public Instruction (OSPI) is required to carry out a program for highly capable students that includes research assistance, distributing related information and "supplementary" state funds to local school districts, and providing staff development opportunities.[9] Such related information consists of notifying state senior high schools and other public schools of public and private entities offering programs for college credit. This also includes such services as advanced placement classes found online. Through mandated research assistance, OSPI is to investigate various methods that could be used to address the unique needs of the highly capable student. OSPI has relegated this responsibility to the state-established Washington Commission on Student Learning.

Program implementation

Most of the authority for implementation of highly capable programs rests with local districts. School districts create their own plans, provide program development, and methods of program evaluation. Given that state dollars only fund a portion of these programs, school districts look to other funding sources such as federal grants and special levies. Keeping the authority to implement and design these programs at the local level is vital since it allows those close at hand to make the most informed decisions about how to solve problems and meet the specific needs of highly capable students in their area.

At the school level, senior high schools and any other public school containing a ninth-grade class must publish and distribute information that stipulates the entrance requirements for programs that lead to college credit. Such programs include Advanced Placement (AP) classes, Running Start, tech-prep, skill centers, college in high school, and the International Baccalaureate.[10]

Schools also must designate enrollment and completion of these programs on student transcripts.

Working together

Nurturing a gifted child can be difficult. Parents are the first educators of their children and have significant impact on a child's development. The individualized attention and assessment provided by parental involvement is crucial for all students, including highly capable students. Parents play a critical role in guiding highly capable students through emotional challenges and in choosing the most effective learning environment with the greatest opportunities for achievement.

Ideally, parents and teachers should work side-by-side, developing methods to challenge and enrich the child's education. Parents can assist teachers in finding supplemental material or by helping out in the classroom itself. By maintaining a good working relationship with a child's teacher, parents can help ensure positive, intellectual development for their children.

> ***Most of the authority for implementation of highly capable programs rests with local districts. School districts create their own plans, provide program development, and methods of program evaluation.***

An active parent can also help teachers decide if keeping the child in the regular classroom is best for the student. Tremendous diversity exists among the gifted population. Gifted students can become bored, causing behavior problems leading some parents to advocate advancing their child in a particular subject or an entire grade in an attempt to foster learning and dampen boredom. This may or may not be a good idea. Coordination between parents and teachers is critical and "the decision to allow a child to accelerate educationally is one that must be made for each child, taking into account his or her intellectual and emotional needs, and the services the school can provide."[11]

Highly capable program funding

As previously stated, Washington state law permits funding at a maximum rate of up to three percent of a district's full-time equivalent enrollment, though currently

Sample Calculation

1. District's FTE enrollment average = 8,926.74
2. Multiply by 2% = 178.53
3. Multiply by $328.10 allocation = $58,575.69

the legislature has elected to fund two percent of a district's enrollment. State funding is calculated by each district and then distributed to the respective school. The formula is quite simple: the district's average full-time equivalent enrollment figure for the previous year is multiplied by two percent. This number is then multiplied by a legislatively designated per funded student allocation figure to determine the district's funding allocation. For the 2001-02 school year, this figure was $328.10.[12]

In addition to the apportionment for district-created programs, the legislature also stipulates a portion of the money to be used for statewide gifted programs including the Centrum program[13] and the Washington Imagination Network, formally Odyssey of the Mind.[14] During the 2000-03 biennium, $350,000 was allocated to Centrum while $186,000 went to fund the Imagination Network.[15]

Common programs across Washington

Educating gifted students presents unique obstacles, as previously mentioned. Changes in regular school programs are necessary to keep these students challenged and learning to their capacity. "Pull-out" enrichment programs are frequently provided: honors classes; afterschool and summer programs; and mentor programs. In Washington state, common programs at the high school level include Advanced Placement (AP) courses, International Baccalaureate classes, and Running Start.

Advanced Placement

Clifford Adelman, Senior Research Analyst for the U.S. Department of Education writes, "the best predictor of student success [in attaining a bachelor's degree] is the academic intensity of course work taken in high school." Adelman continues, "Advanced Placement course taking is more strongly correlated with bachelor's degree completion than it is with college access."[16] This raises the question: Are attempts to equalize opportunities for college access less effective in the long-term than programs like Advanced Placement?

What is Advanced Placement?

Advanced Placement (AP) is a national program sponsored by The College Board that offers students college-level courses and exams while still attending and receiving high school credit. The AP curriculum is determined by The College Board based on the curriculum of similar college classes. It is geared toward assisting the student in passing year-end AP exams. If a student scores sufficiently well on these exams – usually a three, four, or five out of a possible score of five – the college they attend will usually grant them specific credit for the given course, or general college credit applicable toward graduation. "There are 33 courses in 19 subjects, offered by 13,000 secondary schools around the world; in 2000, 1.2 million exams were taken by 750,000 students."[17] Subject matter covered includes everything from biology to studio art, from French to U.S. History. The specific courses offered by particular high schools are determined by individual schools.

Many students enjoy the opportunity to interact with other highly motivated classmates in these especially challenging courses. The College Board states that "high school faculty find that AP courses enhance their students' confidence and academic interest as well as their school's reputation. College faculty report that AP students are far better prepared for serious academic work."[18]

Selection for Advanced Placement

Selection criteria for student participation in AP programs varies across the nation, state, and even districts. Individual schools make the decision given their close proximity to students and a deeper understanding of each student's abilities. The guidelines are developed over time, integrating teacher, administration, parent, and student input to stipulate expectations of student work in and out of the classroom.

Factors used to admit students commonly include grades, teacher recommendations, and parent/student requests. Some schools, though, allow nearly all students who apply to enroll, wishing to accommodate those students who seek the added challenge. Other schools are much more restrictive in selection, setting specific grade and course requirements to be met before admittance is granted.[19]

Advanced Placement for low-income students

Enrolling in AP courses costs very little for low-income students, but AP exams can be costly at seventy-seven dollars per exam. If a student scores well, this seventy-seven dollars can save thousands of dollars that would have to be paid to a given college for the same credits. To ensure that all students, including those from low-income families, have the ability to take such exams, the state offers grant money from the federal government to offset a portion of the cost. The school district and The College Board assist as well.

For the 2000-01 school year, the assistance offered was forty-three dollars through federal grant money managed by the Office of the Superintendent and twenty-two dollars through The College Board. Seven dollars in administrative fees are waived by the local school district, leaving just five dollars for the student to pay for each exam.[20] Eligibility for such financial assistance is determined based on a family income schedule or other data including low-income housing qualification information.

How is an Advanced Placement program started?

Components necessary for developing a solid AP program include among other things, well-trained teachers, administrative support, academic counseling, and adequate funding. Well-trained teachers are the most important element. A week-long summer training event is offered every year in our state, as well as one-day programs each fall and spring to update AP faculty on recent changes and information.

Administrative support is necessary to help deal with budget, student, and parental concerns. Counseling is included because academically gifted students need to be made aware of their educational and career options. Proper funding is needed for student and teacher texts and materials, as well as for the aforementioned teacher training to learn about curriculum changes and updates.

Also advisable for any school interested in developing a successful AP program are methods in which coordination takes place between feeder schools and AP teachers to help prepare future incoming students. Internet access is nearly essential to keep up with current curriculum and new educational resource information.

Advantages offered by Advanced Placement enrollment

Some students and parents worry about taking an AP course, knowing they could receive a lower grade than if they enrolled in a regular high school class. The trade-offs are usually worth the risk. According to The College Board, "an AP course gives you an opportunity to learn a subject in greater depth and helps you develop skills that will be critically important to successful study in college."[21] It can even help improve a student's chances at being admitted into a competitive college, given that schools look favorably upon students who challenge themselves instead of sticking with the status quo.

Many students see the economic benefits offered by taking AP exams as a good investment. By taking AP courses and receiving proper preparation, students can pay a nominal fee now to receive college credit which would cost thousands more later. Many students understand that AP gives them a head start on the academic rigors of college and can actually help free up class schedule space.

> ***Many students see the economic benefits offered by taking AP exams as a good investment.***

Some students who are particularly driven and have the ability to take several AP courses and their subsequent tests, can actually receive enough credits to attain sophomore standing once enrolled in a particular college. In the State of Washington, institutions granting credit include among others, Gonzaga University, the University of Washington, Seattle Pacific University, South Puget Sound Community College, and Western Washington University.[22]

Finally, exceptionally gifted and talented students who take several AP courses and the course exams, receiving both high grades and high test scores, may qualify for AP Scholars Awards. These are not monetary awards, but are honors that hold high distinction and are acknowledged in any AP report sent to prospective colleges.

International Baccalaureate

International Baccalaureate (IB) is a program similar to AP, offering curriculum specific for primary and elementary years, as well as the high school years. Students not only complete state and national education requirements, they can receive an IB diploma which is usually recognized by universities and other higher learning institutions across the world.

IB is administered by the International Baccalaureate Organization based out of Geneva, Switzerland. The program began in 1924 when several international schools wanted to try to "establish a common curriculum and university entry credential." It is intended to place significant emphasis "on the ideal of international citizenship, to the end that IB students may become critical and compassionate thinkers, lifelong learners and informed participants in local and world affairs." IB wants students to be "conscious of the shared humanity that binds all people together while respecting the variety of cultures and attitudes that makes for the richness of life."[23] Some educators and parents argue that this emphasis takes too much of the focus off basic education and is, therefore, not as effective as AP coursework.

Three International Baccalaureate programs

IB offers three academic programs beginning with the Primary Years Programme for students aged three to twelve. This program "focuses on the development of the whole child . . . [and] offers a framework that meets children's several needs: academic, social, physical, emotional and cultural."[24] As previously stated, the IB program is controversial because of its emphasis on elements beyond academics.

The Middle Years Programme is designed for students from age eleven to age sixteen. Though it follows well with the Primary Programme, it is not a prerequisite. Program curriculum includes studies in two languages, humanities, sciences, mathematics, arts, physical education, and technology. Students are also required to work on a personal project that "is intended to be the culmination of the student's involvement."[25]

Running Start funding can also provide tuition costs for vocational programs at local skill centers.

Finally, the Diploma Programme is offered to students ages sixteen to nineteen. It "is a demanding pre-university course of study that leads to examinations." The grading system is criterion-referenced to standards set by IBO. Full completion of this program leads to a special IB diploma. The program is intended to "emphasize critical thinking, intercultural understanding and exposure to a variety of points of view."[26]

The Diploma Programme curriculum includes two languages; individuals and societies which includes history, business, and philosophy; experimental sciences including biology, chemistry, and physics; mathematics; and arts and electives. Additionally, students are required to take a course called the Theory of Knowledge which is intended to help students learn to question where knowledge comes from. Service projects are also part of the program along with an essay requirement of 4,000 words.

International Baccalaureate for low-income students

Just as for participation in the AP program, low-income students who qualify for enrollment in IB yet cannot afford the examination fees can apply for financial aid. Criteria for financial assistance is the same as with AP exam fees. The local school pays the test fee and then is reimbursed by OSPI through federal grant funding for 90 percent of the expenditure. The remaining amount is either to be paid by the student or the school program.

Advantages of International Baccalaureate coursework

The advantages of enrollment are similar to that of AP courses. Students can receive college credit simultaneously with high school credit. "More than 1,000 universities from 47 countries list their policies for entry and IB diploma recognition."[27]

Running Start

Washington state, like many others, offers a program for students to enroll concurrently in college and high school courses. It is called Running Start and provides highly capable and gifted students a means to be challenged and prepared for future studies if they have accelerated beyond courses provided by their high school. This program is offered to students in the eleventh and twelfth grades, but selection of eligible students is unique to each local school. Some high schools allow nearly any student to participate who is admitted to the participating college and who can pass the entrance exams.

This program costs practically nothing for the student since these college courses replace their high school scheduled classes, usually one college class for every two high school courses. Students must provide their own transportation and books.

Exceptional students have the potential to graduate from both high school and community college with their AA degree simultaneously, allowing them to transfer to a university as a junior. For some students this provides significant financial incentives, helping them to pay for two years of college fees while aiding them in acquiring the knowledge needed to achieve success at the university level.

In addition to community colleges and universities, Running Start funding can also provide tuition costs for vocational programs at local skill centers. This allows meaningful options for students who are not pursuing a college degree, but who desire to learn a marketable skill.

Colleges and universities participating in Running Start are required to report program enrollments to a student's respective district, while the districts must report their overall Running Start enrollments to the State Superintendent (OSPI). Funds for this program come from basic education district allocations. OSPI distributes the money to given school districts who, in turn, transfer the money to the participating higher learning institutions.

Funding for students enrolled in the Running Start program is less than for regular high school students. Because fees covered by the state only include tuition and not other administrative expenses, Running Start non-vocational students were funded at a rate of $3,573 in 1998-99 and at $4,252 for vocational students.[28] Districts could only retain a maximum of seven percent of this money for their administrative costs, with the rest directed toward various institutions of enrollment. Some districts have determined that their actual costs exceed seven percent and have asked the legislature to revisit this issue.

Federal programs for the highly capable student

Congress passed the Jacob K. Javits Gifted and Talented Students Education Act of 1994 which authorizes the U.S. Department of Education to offer grants to various states, local education agencies, higher education institutions, and other public and private agencies to fund programs for highly capable students. Grant awards range from $185,000 to $215,000 per year for three years. Programs should "incorporate high-level content and performance standards in one or more of the core subject areas; utilize innovative teaching strategies; provide comprehensive ongoing professional development opportunities for staff; incorporate training for parents in ways to support their children's educational progress; and include a comprehensive project evaluation"[29]

In addition to offering funding grants, this federal program is intended to offer informational and technical leadership and assistance. The program also helps fund research on the gifted and talented at the University of Connecticut at Storrs where the National Research Center on the Gifted and Talented is located.

As previously mentioned both the U.S. House and Senate are considering further programs for the gifted and talented because there is no current federally-mandated requirement to serve the gifted and talented.[30] The pending bills would allocate $160,000,000 to perpetuate grant funding for fiscal years 2002 through 2006 offered under the Javits program.

School district programs in Washington state

Program development and authority for the highly capable student in our state rests locally at the district and school level. In Seattle's public schools, about 1,000 highly capable students are served through the Accelerated Progress Program which teaches at a level that is generally two years above normal grade level. The district has decided to serve those who typically score within the top one percent on standardized tests when compared with other students across the nation. Students are admitted through a nomination process during kindergarten through seventh grade for the following year. There is no admission at the high school level. In contrast, the Port Townsend School District included the top three percent of its student population as eligible for its Reach enrichment programs. The definition clearly depends on the school district investigated.

Unfortunately, the lack of objective data on student performance makes it very difficult to determine the effectiveness of specific programs geared toward high achievers. We have highlighted two in-state programs, nonetheless, where test scores indicate high achieving students are well identified and challenged to reach their potential.

Olympia School District

The Olympia School District is well known for its extensive gifted programs. From elementary through high school level, the district provides programs to meet the diverse needs of various age groups, helping them to prepare for more rigorous coursework in future years.

Elementary school programs

At the elementary school level, Olympia School District instituted the Program for Academically Talented Students (PATS) to challenge children who have advanced skills in math, reading, and language arts. Students in grades two through five are selected based upon evidence of high cognitive ability, high academic achievement, and displayed learning characteristics often associated with high levels of creativity and problem solving skills. Program enrollment is based upon a nomination process in which parents can even be involved.

Middle school programs

At the middle school level, programs differ between schools to allow for greater effectiveness and individuality. At Jefferson Middle School, the REACH program is offered to students identified by the REACH instructor and school counselors, utilizing test scores and teacher recommendations. "Program goals reflect the use of critical thinking skills, problem solving skills, creative thinking skills, and research skills" in these classes specifically designed for the academically talented.[31]

At Washington Middle School, those students who score in the 80th local percentile or above on the district's own test qualify to participate in an enrichment program. Those who have previously participated in the program or students receiving certain recommendations are also eligible. Washington Middle School, much like Olympia High School, also allows students to "self-select," meaning that students can recommend themselves for the program by choosing to take on these challenging classes.

Enrichment includes two options, Student Interest Projects and Enrichment Clusters. Students choose to investigate some topic of interest in depth for one semester or for the entire year under Option 1. "Cluster Options meet from 2 days to 4 weeks, depending upon the grade level and project. Many involve in-depth study and preparation of a product (performance based) after the cluster unit has finished meeting."[32] Some project examples from the past year include, an architecture unit for grade six, creating a classroom newsletter for grade seven, and a historical fiction writing seminar for grade eight.

High school programs

Capital High School offers students the opportunity to enroll in advanced classes through the International Baccalaureate program which could earn students a full IB diploma. During the 1999-00 school year, 26 of 30 candidates earned their diplomas.[33] Highly capable Capital students can also enroll in Running Start and Contract Learning which allows students to develop independent study programs.

At Olympia High School, approximately 1,660 students are enrolled, while the number taking either honors or Advanced Placement courses is nearly one quarter of that total. During the 2000-01 school year, 451 students were enrolled in either one or more honors or Advanced Placement courses. Students took 206 tests with an eleventh grade test average of approximately 87 percent while the twelfth grade average was approximately 76 percent, superior scores for AP examinations. The AP U.S. History test score average was exceptionally high, a staggering 94 percent.[34]

Selection criteria for honors and AP classes at Olympia High, is based upon teacher recommendation, though students can "self-select" enrollment upon approval of the AP Coordinator, if they decide they want the extra challenge offered through AP classes. AP courses offered include eleventh and twelfth grade English, Calculus B & C, U.S. History A & B, Psychology, Macroeconomics, Biology A & B, and Chemistry A & B. In addition, students can choose from several other honors and more advanced courses which will better prepare them for the subsequent AP exams including Honors physics, ninth and tenth grade Honors English, Honors Algebra 2A & 2B, Pre-Calculus, Calculus, and Honors World History.

Running Start is offered at Olympia High School through South Puget Sound Community College. Students may also develop independent study programs to further challenge themselves.

Ephrata School District

The Ephrata School District serves approximately 2,200 of the state's children. Though this district is relatively small, programs for the highly capable are still offered based on local needs. At Ephrata High School, students may enroll in accelerated courses. Accelerated English 11 requires passage of a departmental test. Its equivalent twelfth grade class includes placement test passage and administrative approval as a prerequisite for enrollment. Accelerated English 12 offers five college credits for this year-long course, so it can serve as a "partial fulfillment of most colleges' English composition requirements."[35] Five college credits can also be earned through English 101 and 102 courses open to students based on teachers' recommendations, test scores, and a sample essay. Pre-Calculus, Calculus, Physics, and Accelerated Biology are offered to students as well.

Students may dual enroll at both Ephrata High School and Big Bend Community College in Running Start classes. Certain courses serve to replace specific Ephrata High School graduation requirements as the credits earned count toward both college and high school completion. For example, students can take Anthropology, Economics, Political Science, Psychology, or Sociology at BBCC to replace the credits necessary to fulfill their Civics and World Politics requirement. With the proper planning, a student may earn an associate's degree and high school diploma concurrently.

Highly capable programs in other states

Most states operate programs in a similar fashion to Washington state, including Running Start and Advanced Placement, though some are innovative and distinct. We have highlighted two states where flexible programs have been developed for specialized local needs. But once again, a disclaimer must be issued since objective program evaluations are hard to come by. This section should be viewed as providing information, not endorsement.

California

In the State of California, "the Gifted and Talented Education (GATE) program provides challenging curriculum and instruction to gifted and talented students capable of achieving significantly beyond the level of their peers."[36] The money allocated to the GATE program is designed to fund a differentiated program for the highly capable student who has special needs. Originally founded in 1961 for those in the ninety-eighth percentile or above, enrollment criteria is now set by each district based on such categories as intellectual, creative, or leadership abilities.

Currently, 801 districts participate in the GATE program, serving about 360,000 gifted students for the 2000-01 school year. Funding is approved by the State Board of Education for up to three years. During the 2000-01 school year, about $51.9 million were allocated statewide, divided among these 801 districts.[37] Funding is allocated per student unit and determined when the state budget allocation is divided by the statewide total number of units.

The GATE program is designed to help high schools begin AP, IB, and honors programs and to fund counseling for low-income students with high potential to ensure they have access to proper college-prep courses.

In districts where only a few students are ready for accelerated learning, usually rural areas, GATE funding helps pay for distance learning programs "such as Stanford University's EPGY-Education Program for Gifted Youth, which offers college level courses on CD-Rom to middle and high-school age youth."[38] Other services include both programs integrated into the regular classroom and pull-out classes, using the model that works best for the local districts and students. The GATE program also offers extended day classes and Saturday learning seminars.

Texas

The State of Texas began the Advanced High School Program in 1999-2000 for students who wanted to participate in an accelerated academic program and desired recognition of their work to appear on their records. This program mandates completion of strict subject requirements beyond normal graduation demands including three science requirements instead of two, three and a half social studies credits rather than two and a half, three years of foreign language instead of no language requirement; and a required fine arts credit. Local districts have the authority to design these special classes.

> ***With the proper planning, a student may earn an associate's degree and high school diploma concurrently.***

Texas provides an Advanced Placement Incentive Program, offering financial rewards to schools with students achieving a score of three or greater on AP exams. Financial rewards are also offered to educators who are preparing to teach AP courses for the first time, helping to offset some of the costs associated with the program's establishment. For students, there is the possibility of reimbursement for a portion of the testing fee if a three or higher is received on the AP exam.

Correspondence course credit is offered through the University of Texas, Austin, Texas Tech University, and other public institutions with the approval of the Education Commissioner. Additionally, Texas offers credits for all grades by examination for six days each year. Dates of such test offerings must be publicized to the community and no charge can be levied for these tests. Grades

1-5 require a 90 percent or higher score on criterion-referenced tests for the particular grade the child wishes to skip in language arts, math, science, and social studies. District representatives' recommendation and parental approval are also considered. For grades 6-12, a 90 percent or higher score must be earned on examinations in each applicable course in order to skip a particular course.

Other related topics

In recent years, educators have identified a specific group of highly capable students, those with learning disabilities. "Many people have difficulty comprehending that a child can be gifted and also have learning disabilities. As a result, children with special needs that result from both their high abilities and their learning problems are rarely identified and are often poorly served."[39]

According to Linda Brody and Carol Mills, three groups of such students have been identified. The first group is recognized as gifted, but has trouble in school usually attributed to lack of motivation or laziness. The second group "includes students whose learning disabilities are severe enough that they have been identified as having learning disabilities but whose exceptional abilities have never been recognized or addressed."[40] Finally, the last group includes students whose exceptional abilities and learning problems mask each other, so the student is not identified as part of either group and is considered average.

This unique group of students pose significant challenges to current educational programs given the complexities associated with adequate teaching methods for these students.

Conclusion

Contrary to widespread belief, gifted individuals are rarely in positions or environments where they can simply 'make it on their own. These students frequently underachieve or strive for goals well below their potential. When this occurs, the state is no longer fulfilling its legal obligations to these students. Therefore, the development of highly capable programs by local officials is essential and must continue to ensure that these children receive a challenging basic education.

Recommendations

- ***Retain local control while maintaining a commitment to utilizing best practices.*** Fundamental to the success of programs for the highly capable is maintaining local control, allowing those closest to each individual student to make important structural and academic decisions. District administrators and individual school teachers know the needs of their students and can develop far better programs to meet those needs than a state central planner.
- ***Promote internet and distance learning.*** The internet offers nearly limitless educational opportunities to gifted students to enroll in courses at other public schools across the state and across the nation. For high school students, especially those in smaller, rural districts, distance learning could be the key to adequately challenge highly capable students.
- ***Promote Advanced Placement and Running Start.*** Thousands of students have benefitted from AP and Running Start courses. Continuation of these programs is essential to the proper education of highly capable high school students. Elementary and middle schools need to work with high schools to develop Pre-AP curriculum to encourage and identify qualifying students. OSPI can assist by distributing adequate information regarding program possibilities, funding changes and alternatives, and current research regarding highly capable students.
- ***Reevaluate the Washington Imagination Network and Centrum Funding.*** The state needs to reevaluate current spending for the Washington Imagination Network (WIN) and Centrum funding. WIN and Centrum funding consumed more than half a million dollars from district programs for the highly capable during 2000-01. These additional funds had to be acquired through other sources (generally local levies). In the competition for scarce resources, funding for established, successful, and challenging programs like AP and Running Start should be a priority.
- ***Reevaluate program spending.*** Lawmakers and the courts have decided that the state must provide for the education of all children in Washington. Highly capable students are entitled to this opportunity as much as special education or learning assistance students, but funding parity does not exist.

Endnotes

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5. H.B. 490, 107th Cong. (2001); S.B. 421, 107th Cong. (2001).
6. Parke, "Challenging Gifted Students," <http://www.kidsource.com/kidsource/content/challenging_gifted_kids.html>.
7. RCW 28A.185.020.
8. RCW 28A.185.030.
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11. Sharon J. Lynch, "Should Gifted Students Be Grade-Advanced?" (June 1994), ERIC, ED370295.
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13. *Centrum Arts and Creative Education*: During the 2000-01 school year, Centrum program offerings focused on art, poetry, drama, graphic design, dance, or music for high school students. Centrum is intended to promote creativity and team-building skills while learning from experienced artists, actors, and writers. <http://www.centrum.org>
14. *Washington Imagination Network*: The Washington Imagination Network is intended to be a team-building, problem-solving program to aid students in creative thinking. The program is designed to challenge students to create solutions to made-up problems under specific time constraints. Odyssey of the Mind still exists on the local level, but differs from the Washington Imagination Network in that it is no longer state funded. Odyssey challenges are usually competitions involving long-term projects in several different areas. Odyssey does require membership fee payment to participate formally in this national organization.
15. Washington State Budget for the 2001-03 Biennium, Ch. 7, 2001 Wash. Laws 2nd Special Session, §. 512 (3), (4).
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37. *Ibid.*
38. *Ibid.*
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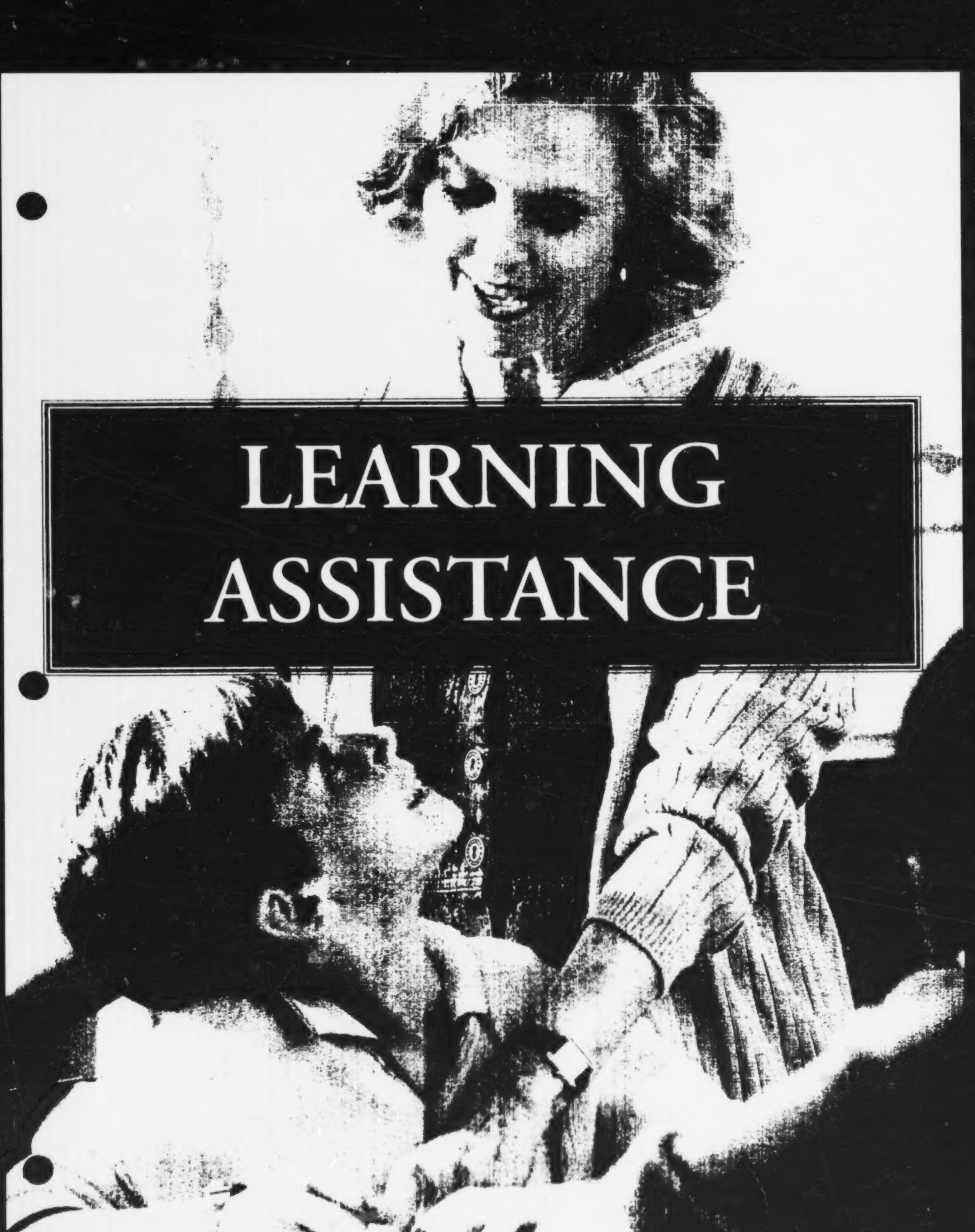
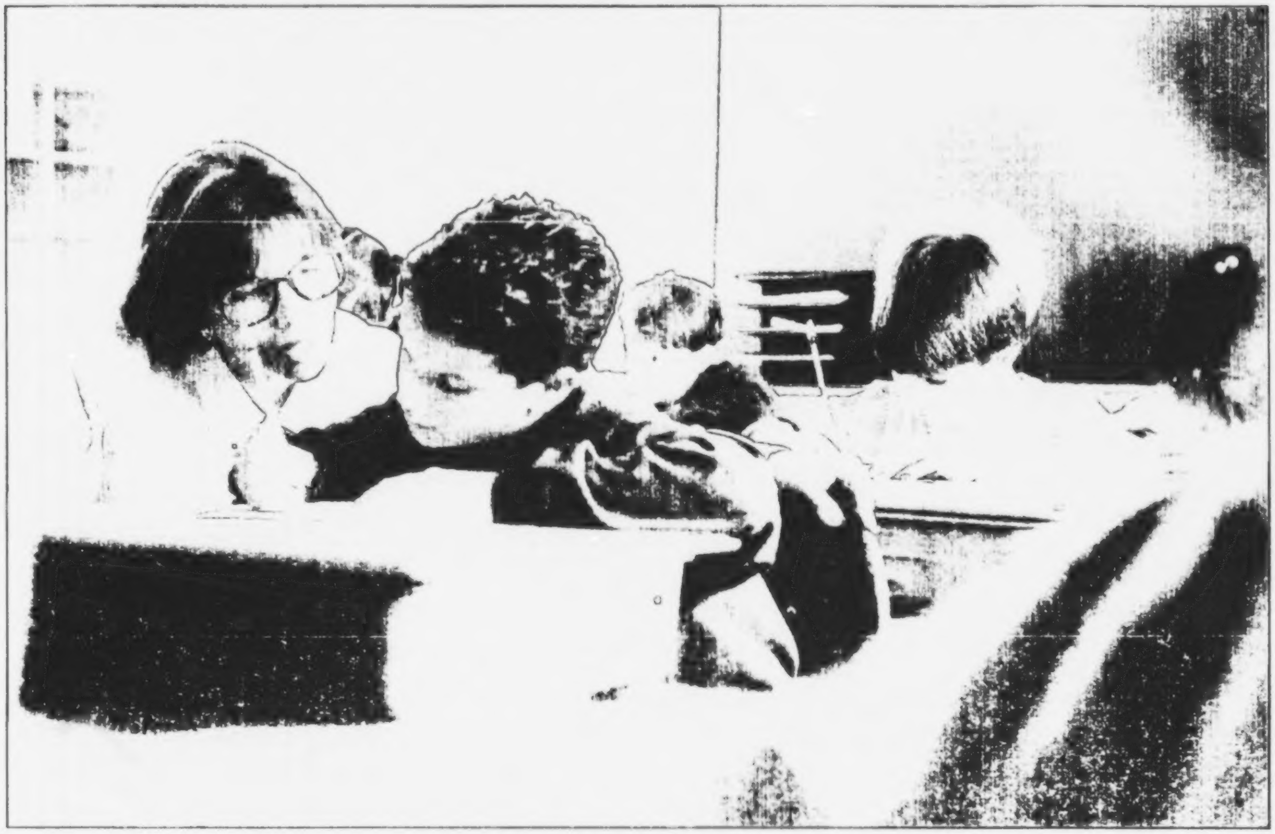
40. *Ibid.*



LEARNING ASSISTANCE

LEARNING ASSISTANCE PROGRAM



Remember the sage observation: Good intentions do not necessarily guarantee good results. Seldom is this counsel more vital—and more difficult to apply—than when educating students struggling to learn. Vigorous evaluation of learning assistance programs is essential, since programs negligently or mistakenly perpetuated for even a few years can have a devastating impact on vulnerable students' lives.

Our state's Learning Assistance Program (LAP) has a worthy goal, that of providing temporary assistance to students who are struggling in school. Achieving this goal, however, requires more than the good intentions of legislators, judges, administrators and teachers. In addition to combining local flexibility with an understanding and utilizing of best practices, reaching this goal requires proper incentives and accountability for results.

Until the mid-1970s, our public education system frequently ignored or institutionalized children with disabilities. To help end this public disgrace, Congress intervened with numerous federal laws and, in the process, gave parents of such children extraordinary rights. The intentions were good, but what about the results? Special education and various learning assistance programs have become a bureaucratically bound, legally entangled growth industry frustrating parents, teachers, administrators and students.

Once a child has been designated learning disabled, districts must decide what the student needs in the way of services: medical or psychological specialists, uniquely qualified instructors, specialized learning environments, private aides, etc. A specially crafted plan, updated biennially, must be established for each child in concert with a team of individuals, sometimes including a legal advocate for the child. Districts that do not pay for "appropriate" student assistance often find themselves facing a judge. Sadly, some parents have learned to "work the system" to obtain extremely expensive special services for their children, even when those services are unwarranted, or could be paid for privately.

While detailed and costly planning of this nature may be appropriate for students with serious problems, many students currently receiving learning assistance need far less complex and costly services. Getting extra help in a regular classroom is sometimes the best solution, but extra funding is generally unavailable for this. The incentive, therefore, is to create specialized remedies for students so they and their schools will be eligible for federal and state funds.

History and purpose of the Learning Assistance Program

In 1979, as one part of the response to the first Doran court decision requiring the legislature to fund basic education,[1] lawmakers developed a program for students with special needs. Focusing on both actual learning problems and low academic performance, the legislature created the Remediation Assistance Program with the intention of helping low-performing children get the extra help they needed to attain basic skills. Originally, the Remediation Assistance Program provided funds for grades two through six. It was expanded during the 1980's to include kindergarten through ninth grade, adding grades ten and eleven in 1999. The name was officially changed to the Learning Assistance Program (LAP) in 1987.

Since a "special needs" student has never been formally defined, no objective measurent exists to determine whether the program has accomplished its goals.

Federal funding

Title I

Many aspects of the Learning Assistance Program are influenced by the parallel federal program, Title I. Funding for the Title I program is primarily based on the number of children from low-income families in each district.[3] Districts allocate funds to individual schools using the same criterion. Title I provides federal dollars to school districts for projects of a similar nature to those funded by LAP, as well as other activities such as school improvement funds and services to neglected or delinquent children.[4]

A school that has a fifty percent or higher poverty level can implement a Title I schoolwide program. Schoolwide programs permit schools to classify every child as a Title I student and expend money according to a plan to improve school performance as a whole, with hopes that the lower-performing students will be helped. In Washington state, 112,624 students are served in schoolwide programs.[5]

Stated purposes of LAP

LAP has three stated purposes:

1) increasing the educational performance of students with "special needs" who are "deficient in basic skills achievement within the regular classroom";
2) helping basic education teachers deal with learning problems in their own classroom; and
3) encouraging development of new methods to assist special needs students.[2]

Program methods

Washington's Learning Assistance Program has various forms, reflecting the different needs of the students and the local nature of much of the decision-making. The district is responsible to develop a plan after consultation with parents, teachers, principals, administrators, and school directors. The district must update the plan biennially.[6]

Each of these plans is required to include the method used in determining student eligibility for the program, specific services to be provided and an estimate of their costs, plans for the annual evaluation, and record keeping. The local school board must approve the plan. Often the plan incorporates specific programs developed by each eligible school. These schools then receive funding from their respective districts. The district plans are submitted to the Office of the Superintendent of Public Instruction (OSPI) for formal approval. OSPI is required to evaluate these plans at least once every three years.

	Number of Students Served	Percent of Total
Reading	93,845	41.9
Mathematics	73,137	32.7
Language Arts/Writing	45,235	20.2
Study Skills	7,465	3.3
Science	2,062	0.9
Social Studies	2,118	0.9
Total	223,862	100

*Students are often served in more than one subject area, so the numbers reflected by subject area may be a duplicated count.

Table LA-1: Number of students served by subject matter. Source: Washington State Learning Assistance Program, *OSPI Report, June 2001*

Staffing

LAP is staffed by certified teachers, paraeducators or classified teachers, administrators, and other employees such as counselors and secretaries. In the 1999-00 school year, about 58 percent of all LAP employees—nearly 5,000 statewide—were paraeducators or classified teachers.[7] LAP Facilitators are supposed to help teachers in the implementation of student education plans, with assessment, and with further training.

Of the money spent on LAP, nearly 92 percent pays for staff salaries and benefits.[8]

Program models

LAP teachers or educational assistants may work with students on an individual basis or as a group either in a normal classroom setting or in a specialized class. The "in-class" model is the most common and typically employs aides for targeted students working in a regular classroom.[9] Another plan, known as the "pull-out" model, takes the child out of the regular class setting to receive one-on-one assistance or instruction in a small group. When the specialized assistance replaces a full period of class work, it is known as the "replacement" model. Many students use a combination of the "in-class" and the "pull-out" model, with emphasis placed on keeping the child in the regular classroom setting as frequently as possible.

Additional Program Services

In addition to teaching, counseling services may be available to students. Spokane Public Schools, for example, offers counselor assistance to improve student academic performance "by enhancing their self-esteem and social skills within the classroom setting."[10] Critics of this program question whether improving self-esteem with the goal of improved academic performance will be more effective than improving academic performance with the benefit of enhanced self-esteem. The lack of objective program evaluation prevents educators and administrators from knowing whether this program actually results in higher student achievement.

LAP also funds instruction time outside normal class hours, including tutoring times before and after school and special summer activities. Summer programs are intended to grant greater flexibility and enhance and strengthen skills studied throughout the regular school year. The school may also attempt to get parental involvement and reinforcement for the program, but this will not help those students who are struggling academically because they already lack parental involvement.

Students served

Because the legislature has not clearly defined which students are to be served by LAP, those actually served are not necessarily the students who scored in the bottom quartile (the number used to generate funding). Research by the Legislative Budget Committee indicated that many districts also used the funds for students in the second-lowest quartile (25th-50th percentile.)[11] The decision about which students will be assisted by the program is made by local assessments—usually testing and teacher recommendations.

The demographics of students served tend to follow patterns. Minorities are enrolled in LAP in greater percentages than their share of the overall student population.[12] Approximately 15 percent of students identified as scoring below grade level were identified

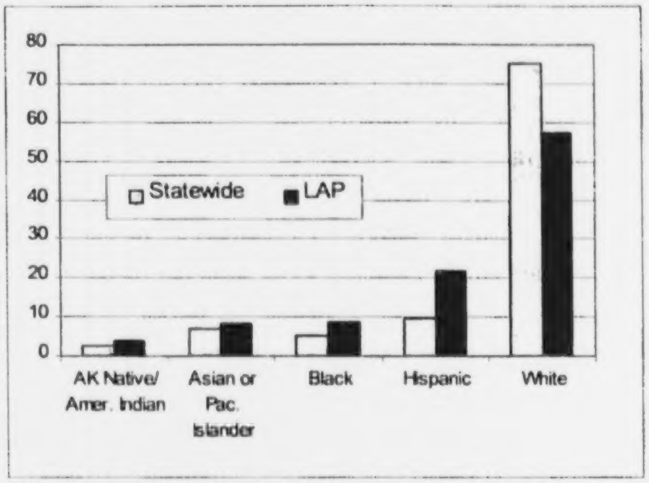


Chart LA-1: Percent of students race/ethnicity. Source: Washington State Learning Assistance Program, *OSPI Report, June 2001*

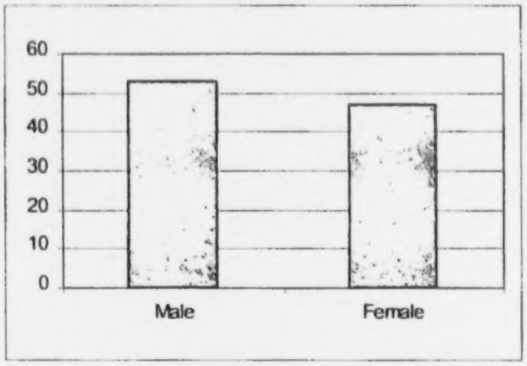


Chart LA-2: Percent of students served by gender. Source: Washington State Learning Assistance Program, *OSPI Report, June 2001*

as having limited English proficiency.[13] Males are consistently served more than females: 53.1 percent versus 46.9 percent for females.[14]

Success measurements

In the past, LAP results were measured by pre- and post- standardized norm-referenced tests. However, this testing requirement as mandated by Title I, was dropped after the1994-95 school year. Statistics up to that year (94-95) indicated that low-performing students were improving when measured against the normal curve equivalents (NCE), or average student learning over a year's time.[15] Little information was available, however, on whether this improvement was attributable to LAP programs, to independent causes or both.

Currently, every district is required in its initial biennial program plan to include a strategy for annual evaluation based on two components: "program objectives related to basic skills achievement" and development of a reporting method for the Office of the Superintendent of Public Instruction (OSPI).[16] The OSPI is required to monitor school districts to ensure compliance with their own plans. Since each district develops individual plans, comparison between districts is difficult, if not impossible.

Exit statistics of students leaving LAP have never been gathered consistently. The Legislative Budget Committee found that approximately 18 percent of students left LAP in the1992-93 school year, but only about a third of that number left because they no longer needed services. Length of time in the program was found to vary significantly based on local district philosophy. More commonly, students leave the program at one district because they have moved.[17]

Evaluation of the Learning Assistance Program tends to focus on the process: how many students are served, how much time is spent, etc., rather than on the stated goal, that of improving student performance. To date, no long-term studies have been completed to find the overall effectiveness of LAP. To investigate the issue further, the 2001 Legislature allocated funds to have the Washington Institute for Public Policy, a taxpayer-funded research group from the Evergreen State College, evaluate and study the LAP funding formula and to issue a report by June 30, 2002.

LAP funding

Test score factor

As previously stated, students who score in the lowest 25 percent on the state's standardized tests are eligible for LAP programs. The funding formula is currently based on norm-referenced tests such as the Iowa Test of Basic Skills. The WASL (Washington Assessment of Student Learning) scores may be used by districts to assign need, but its scores do not affect funding.

The funding formula multiplies the district's past average test results in the lowest quartile by the full-time enrollment to arrive at a number of eligible students. The number is then multiplied by 92%, and then by the legislature's funding per student formula to arrive at the district's total LAP allocation.[18] For the 2001-02 School Year, $408.38 has been allocated per LAP unit.[19]

Sample calculation for LAP funding

1. District's FTE projected enrollment for K-6th grades = 806 students
2. District's 5-year average for 3rd grade low-quartile percentage = 20.26%
   Multiply (806 students x 20.26% = 163.30 students)
3. District's FTE projected enrollment for 7th -9th grades = 411 students
4. District's 5-year average for 6th grade low-quartile percentage = 19.56%
   Multiply (411 students x 19.56% = 80.39 students)
5. District's FTE projected enrollment for 10th and 11th grades = 250 students
6. District's 5-year average 9th grade low-quartile percentage = 20.00%
   Multiply (250 students x 20.00% = 50.00 students)
7. Add totals from numbers 2, 4 and 6, above:
   (163.30 students + 80.39 students + 50.00 students = 293.69 students)
8. Multiply total from number 7 by 92%
   (293.69 students x .92 = 270.19 students)
9. Multiply total from number 8 by $408.38/pupil
   (270.19 students x $408.38 = $110,340)[20]

Because this is a funding formula, not an expenditure formula, the money thus obtained by the district can be spent on any student.[21]

Socioeconomic factor

In 1995 the legislature allocated additional LAP funding based on socioeconomic status. If the district's prior year October headcount of students eligible for reduced cost or free lunches is above the state average, the district qualifies for greater funding. This is determined by calculating the amount by which the district's poverty percentage exceeds the state average and then multiplying it by the annual average enrollment. This number is then multiplied by 22.3 percent, and then by the per student figure to arrive at the additional resources allocated for poverty.[22] An example:

1. District average free and reduced price lunch percentage = 46%
2. Subtract statewide free and reduced price lunch average (31%) from the district average (46%) = 15%.
3. Multiply 15% x 1567 (estimated 2001-2002 K-12 FTE enrollment) = 235.05 students
4. Multiply 235.05 students x 22.30% = 52.42 students x $408.38 = $21,407.[23]

The legislative inclusion of the poverty factor reflects the controversial belief that the correlation between student performance and poverty can be best addressed by focusing on poverty. Indeed, many are now advocating that the legislature tie LAP funding primarily or solely to poverty.

Program and funding growth

LAP usage and funding has increased dramatically since its inception. Over the past 22 years, LAP allocated funds have grown from $12 million in the 1979-81 biennium, to $108 million in 1993-95, to a projected allotment of $139.4 million for the 2001-03 biennium.[24] This mirrors nationwide spending trends.) LAP expenditures rose especially dramatically for the 1999-00 school year, to $72.6 million, an increase of nearly 17 percent from the previous school year and about 37 percent since 1994-95.[25]

The number of students served by the program has increased even more rapidly. In the past eight years alone the number of students served has increased

	Total Direct Program Expenditures	Number of Students Served by LAP	LAP Expenditures per Pupil Served
94-95	$53,125,146	61,715	$861
95-96	$54,572,349	71,770	$760
96-97	$58,429,725	77,697	$752
97-98	$61,195,779	96,146	$636
98-99	$62,276,834	100,471	$620
99-00	$72,573,208	119,957	$605

Table LA-2: LAP Expenditure Trends. Source: Washington State Learning Assistance Program, *OSPI Report, June 2001. These numbers do not reflect the socioeconomic allocation.*

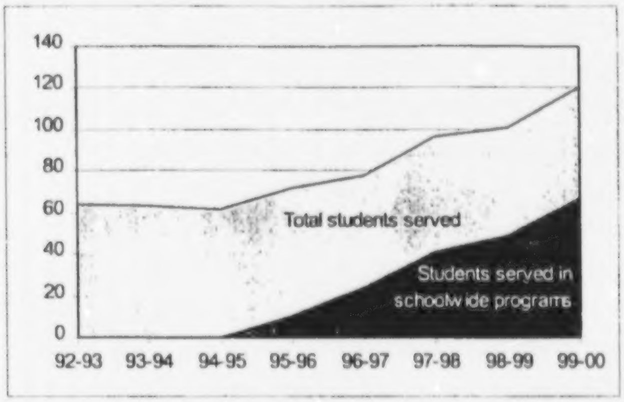


Chart LA-3: Students served by LAP. Source: Washington State Learning Assistance Program, *OSPI Report, June 2001*

from approximately 64,000 in the 1992-93 school year to about 120,000 students during the 1999-00 school year.[25]

But the growth in students served is attributable to increases in the grades covered (Grades 10 and 11 were added in 1999), and to changes in counting student eligibility. Since the1995-96 school year, the Office of the Superintendent of Public Instruction (OSPI) has allowed three different counting procedures that can be used by schools with a Title I schoolwide program. These districts can now:

- "Divide LAP dollars in the building by a per pupil amount and count the number of students that would be served.
- Consider using one grade level within the building to represent the LAP students if the teacher is funded by LAP.
- Select a group of students identified as needing LAP services."[27]

These measurement systems resulted in an apparent increase in the count of students served, especially in schoolwide programs. The uncertainty stems from the funding formula where the number of eligible students may not translate into actual students served. As can be seen from *Chart LA-3*, all of the growth in the number of students served has been in the *schoolwide* programs (defined on page 2), which does not necessarily reflect students actually receiving assistance.

Students served vs. students funded

As previously mentioned, no direct link exists between the formula used to calculate a school's allocation under LAP and the students actually served by the program. A 1995 study released by the State of Washington Legislative Budget Committee reported that "the numbers served in LAP [we]re much lower than the numbers of units generated by the funding formula. . . . In the 19 districts that were studied, the funding formula generated 28,853 units, while we found an average LAP enrollment in the districts of 12,145" (less than 50 percent of the number funded).[28] Local schools tended to serve fewer students and have a much higher allocation per student than expected by the legislature.

Funding schedule

Currently, LAP funding is based on a district's monthly enrollment. Enrollments can fluctuate enough to change LAP funding each month. The Office of the Superintendent describes this problem as requiring districts "to aim at a moving target as they structure the program, make purchasing decisions, and hire staff for the coming year."[29]

This has prompted several districts to ask that they be permitted to use the previous year's average enrollment to determine their funding allocation, even though this might cause a slight drop in dollar resources. For them, the stability created would be worth the tradeoff. Some stability in the funding formula was created starting in the 1994-95 school year, when districts were permitted to carry over up to ten percent of unspent LAP funds to the following year as long as the money was still used for LAP purposes.[30] This does help alleviate the need to spend frantically at the end of a budget cycle.

Conclusion

It is one thing to determine that low-performing students need additional help to acquire basic academic knowledge. It is quite another thing to make sure funds appropriated for that purpose actually benefit the students who need the help.

Centralized programs like LAP provide an opportunity for what economists call bureaucracy theory. Bureaucracy theory postulates that once a program/service becomes centrally administered and individual incentives are removed, the program will continue to grow and create its own bureaucracy. Original intentions are lost, incentives shift, and the new goal (sometimes unwittingly) becomes perpetuation of the bureaucracy.

After more than twenty years of operation, policymakers and educators need to ask, "Is LAP fulfilling its mission to 'increase the achievement of students with special needs in a shorter period of time'?"[31] Some of our recommended changes required action by lawmakers. Others may be implemented by school districts with little or no legislative assistance.

Recommendations

- ***The legislature needs to conduct a thorough study of LAP,*** which should include the following actions:
  1) Clearly define the goals and scope of LAP. Answer the question: What is a "special needs" student? What are his or her rights under the law?
  2) Objectively determine the components of a successful LAP program.
  3) Require consistent pre- and post-testing across districts to evaluate whether students are improving.
  4) Streamline the process and provide legal protection for educators and school districts allowing them more time to assist students rather than filling out reams of paper to ensure renewed funding and to stay out of court.
- ***Consider a new funding model: Census-based financing.*** As of this writing, two states, California and Pennsylvania, as well as the federal government's special education allotments are based on census-based financing. Schools are not reimbursed for special education costs. Assuming that special needs students occur with regular frequency, districts are reimbursed based on enrollment. The federal government's allocation is also poverty-adjusted.

  As it currently stands in our state, only a theoretical connection exists between the way funding is calculated and the way funding is spent. Further, the current formula provides a perverse incentive for districts and schools to look for new ways to funnel students to learning assistance or special education programs.

  Some have suggested removing this incentive and some of the funding uncertainties by basing the program entirely on a poverty calculation. However, this separates the funding calculation from the program goals. If the goal of the LAP program is simply to send more money to some school districts, then its purpose should be open and the application process should be simplified so that time is not wasted on meaningless paperwork. But if the goal of the LAP program is to improve student performance, funding based on poverty levels will provide no motivation to do so.
- ***Coordinate aspects of similar programs.*** LAP and the federal Title I program fund similar services. Some students served by LAP also receive services in other areas from special education funding or through bilingual education. The legislature and school districts should investigate the extent to which parallels in the programs increase administrative costs or duplicate efforts. A clearer definition of which students are to be served by LAP may help target resources to where they are needed.
- ***Contract out for program services.*** Parents who have the financial resources to do so often contract with private tutors to help their children when they struggle in school. Public schools should consider contracting out more tutoring services to help low-performing students.

  Some cities and states have begun this process for special education students already. Florida began granting vouchers with extra funding for students with disabilities in 2000-01.
- ***Invest in teacher training,*** especially for teachers of students in K-3. Early intervention is critical, and many students may need less intensive and less costly remediation if problems are detected and addressed in the early primary grades.

Endnotes

1. Seattle School Dist. v. State, 90 Wn. 2d 476 (1978)
2. Washington State Superintendent of Public Instruction, *Washington State Learning Assistance Program Annual Report 1999-2000*. (Olympia: OSPI, 2001), 3.
3. U.S. Department of Education, "Title I Grants to Local Education Agencies," 22 November 2000 <http://www.ed.gov/offices/OUS/title1desc.html> (24 August 2001).
4. Superintendent of Public Instruction, "Title I/LAP," 4 April 2001, <http://www.k12.wa.us/title1/lap/lapcompare.asp> (24 August 2001).
5. Superintendent of Public Instruction, "WebApps 2000 Database Information," 4 April 2001 <http://www.k12.wa.us/title1/facts/facts.asp> (29 August 2001).
6. RCW 28A.165.040.
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8. *Ibid.*, 15.
9. Washington State Legislative Budget Committee, *K-12 Learning Assistance Program Fiscal Study: Report 95-2*. (Olympia: Legislative Budget Committee, 19 January 1995), 8.
10. Spokane Public Schools, "Program Components" <http://www.sd81.k12.wa.us/LAP/components.stm> (24 August 2001).
11. Legislative Budget Committee, Report 95-2, 15.
12. Superintendent of Public Instruction, *LAP Report 1999-2000*, 9.
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15. Legislative Budget Committee, *Report 95-2*, 10.
16. RCW 28A.165.040(3).
17. *Ibid.*, 9
18. Superintendent of Public Instruction, *LAP Report 1999-2000*, 27.
19. *Ibid.*, 27.
20. Adapted from Superintendent of Public Instruction, "Learning Assistance Program," <http://www.k12.wa.us/title1/lap/lap.asp> (29 August 2001).
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22. Superintendent of Public Instruction, *LAP Report 1999-2000*, 27.
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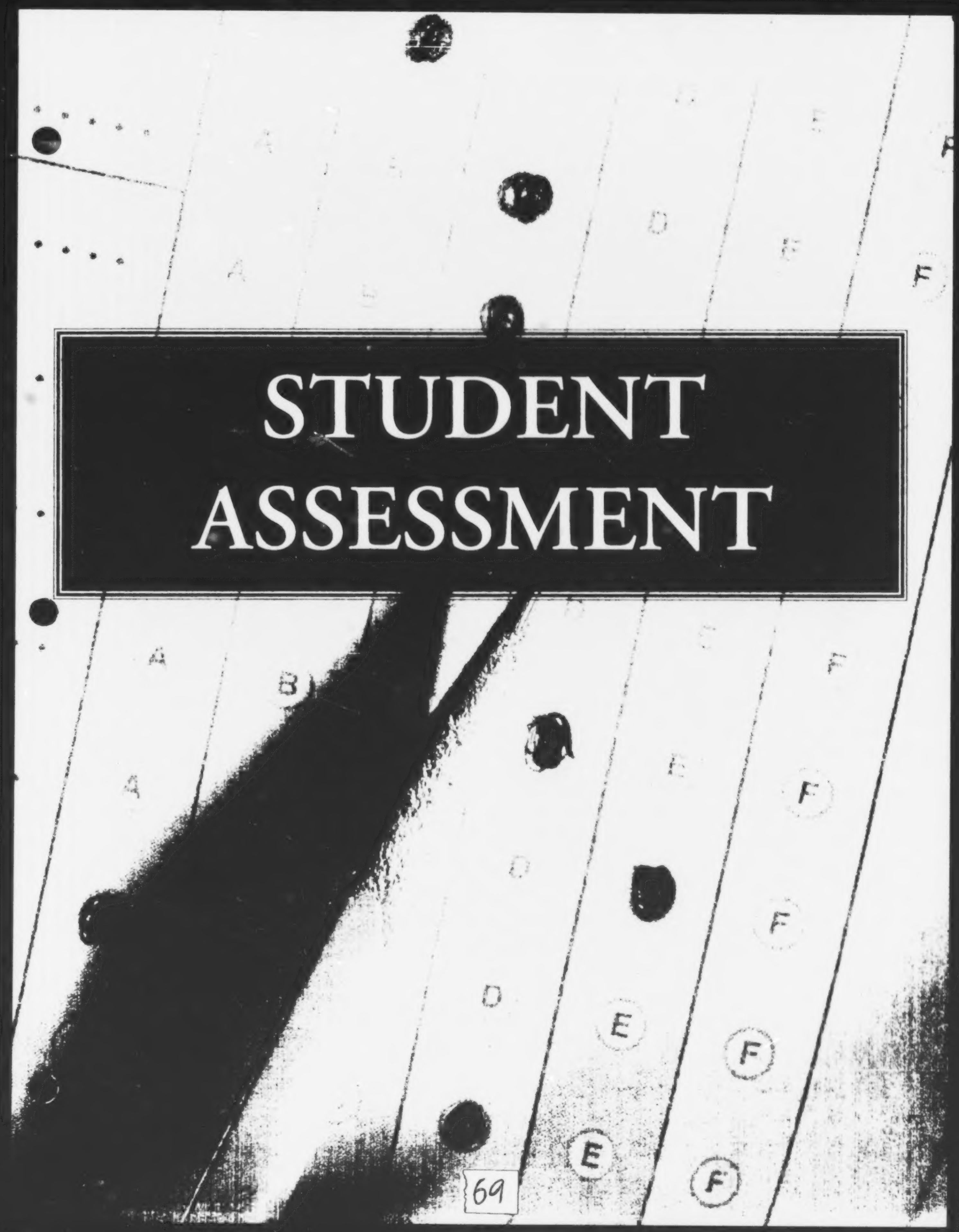
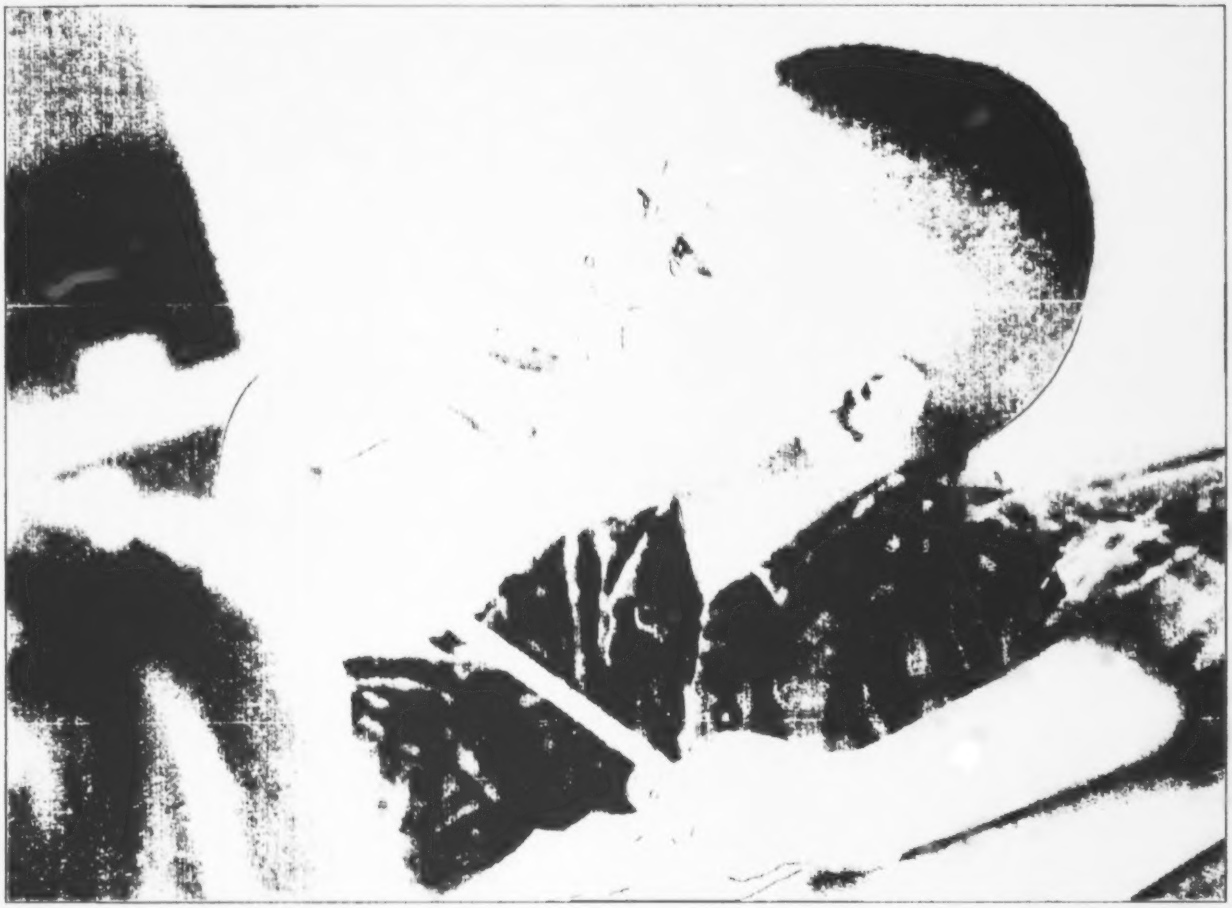
24. Legislative Budget Committee, Report 95-2, ii. Superintendent of Public Instruction, *LAP Report 1999-2000*, 27.
25. Superintendent of Public Instruction, *LAP Report 1999-2000*, 14.
26. *Ibid.*, 4.
27. *Ibid.*, 4.
28. Legislative Budget Committee, *Report 95-2*, 20.
29. Superintendent of Public Instruction, *LAP Report 1999-2000*, 17.
30. WAC 392-122-900(4).
31. RCW 28A.165.010.



STUDENT ASSESSMENT

STUDENT ASSESSMENTS



"Anyone who opposes annual testing is an apologist for a broken system of education that dismisses certain children and classes of children as unteachable," said Rodney Paige, secretary of education. That may be, but what kind of test should we use to evaluate how well children are doing academically over time? The firestorm over assessments gets hotter as more fuel is added by frustrated teachers and scared parents.

While efforts to assess student learning have always been plagued with difficulties, comparing student learning between classrooms, schools, or districts has proven nearly impossible. The norm-referenced tests that have been the common standardized measure for decades measures students in relation to their peers. By definition, half of the students will come up as "below average" on these tests, making raising student test scores on any large scale a futile endeavor.

This is not to say that norm-referenced tests are valueless—just that they have focused and limited value. Further, if the only performance standard is the "average," there is no objective way of knowing whether that average reflects what and how much students should actually be learning.

In response to this, high stakes "criterion-referenced" assessments were created, such as the Washington Assessment of Student Learning (WASL). However, this raises another conundrum. Assuming that a valid and reliable high stakes assessment can be created—and this is not a safe assumption—if standards are set high, the vast majority of students may fail them, thus creating tremendous political pressure to either scrap the standards altogether or lower them to currently attainable levels.

Into this conflict comes another option for comparing achievement levels: value-added assessment. Instead of comparing a student with others as norm-referenced tests do, or solely against an established standard, value-added assessment compares a student with herself. The measurement is how far the student has progressed in one year compared to where she started.

Instead of comparing students to each other or to an established level of proficiency, value-added assessment compares students to themselves, to determine if they are advancing academically.

Furthermore, by statistical analysis of data from groups of students, conclusions can be drawn about the impact of a particular teacher, school, or district on student learning.

What is value added assessment?

Value-added assessment is ***not*** a new or different type of test. Rather, it is a model used to statistically analyze test data to determine the influence of teachers, schools, and school districts on student learning. Instead of comparing students to each other or to an established level of proficiency, value-added assessment compares students to themselves, to determine if they are advancing academically, and, if so, at what pace.

The value-added assessment statistical model uses test scores accumulated year to year from each student to track change in achievement. This allows creation of academic "growth charts" for each student's progress, measuring the "value added" to the knowledge the student already had. Like a physical growth chart, the curve is rarely even—the record will show flat spots or spurts of accelerated learning. By calculating statistically significant variances in a group of students' test scores, determination can be made as to how well a particular teacher, school, or district is educating a particular student.

The most prominent value-added assessment model was developed by Dr. William Sanders, a former statistics professor at the University of Tennessee. His method, called the Tennessee Value-Added Assessment System (TVAAS), uses mixed-model methodology, a type of statistical analysis developed originally for use in agriculture.

Essentially, value-added assessment is like a pre-and-post-test given to students to determine what they have learned during a particular course of study. Unlike those tests, however, value-added assessment seeks results that can be compared across classrooms and years. Thus, the value-added model must be overlaid on tests that have the following characteristics:[1]

- The tests must be highly correlated with curricular objectives
- The tests must have sufficient stretch to measure the progress of both previously low and high scoring students
- The tests must demonstrate appropriate reliability

Many schools use value-added assessment with the readily available standardized achievement test results. These are norm-referenced tests, comparing one student with the average performance of all students. But a sufficiently reliable and consistent criterion-referenced test could be used instead, comparing students with an established standard of achievement. Naturally, the better the test at measuring student achievement, and the closer it correlates to established learning goals, the more valuable the results of the analysis will be.

Because students' scores are compared with their own prior test scores, external factors such as socioeconomic status are blocked out. Gathering the data over several years accommodates for statistical variations, while the TVAAS model is constructed in a way to allow for variables such as missed tests, transferred students, skipped grades, and other complications.[2]

Advantages to value-added assessment

Because value-added assessment focuses on students' rate of advancement, it provides a means of objective feedback on how well a particular teacher, school, or district is doing. This is an unprecedented development in assessment. The resulting feedback allows identification of high achieving teachers, schools, or districts to more closely analyze the reasons for success. It identifies underachieving teachers, schools and districts as well, making it possible to hold them accountable for ensuring student progress, without faulting them for circumstances beyond their control.

Value-added assessment opens up the possibility of tying teacher and school funding to performance. It makes it possible for high-performing schools and teachers to be identified and emulated and for low-performing schools and teachers to be targeted for help. Professor Sanders has also suggested that this information may be used to protect students from being assigned to ineffective teachers two years in a row.[3]

The TVAAS system is particularly valuable because it allows for use of incomplete data. Thus, even though a student may have missed the test one year, the rest of his data can be compiled, something not possible with simpler statistical models. This allows the maximum possible data to be used in the analysis.

There are many other possibilities for this data. Dr. John E. Stone, professor at the College of Education at East Tennessee State University, has proposed that value-added assessment and state standards could be combined, calculating for schools how quickly students would need to progress to meet established standards.[4]

Challenges to value-added assessment

Like any education measure, value-added assessment has had its fair share of criticism. Many of these criticisms either reflect misunderstanding of the process or a fundamental bias against any form of standardized testing.

Some claim that, since the model ignores socioeconomic differences between students, it does not fairly evaluate different results obtained by different teachers or schools. This criticism ignores reliable research demonstrating that socioeconomic differences *by themselves* do not significantly limit students' ability to progress, although they may influence achievement levels.

Critics also suggest that value-added assessment will result in "teaching to the test"—the same criticism lodged against every proposed results-oriented evaluation. "Teaching to the test" is only a problem if the test does not measure the academic standards already established, and to which teachers should be teaching. The remedy, if this is a problem, is not to throw out evaluation, but to better align the test with learning objectives.

> ***"Teaching to the test" is only a problem if the test does not measure the academic standards already established.***

Familiar concerns are raised regarding the inability of standardized tests to measure all aspects of student learning. That value-added assessment may exacerbate this problem troubles critics. It is true that many kinds of achievement cannot be measured objectively, but this should not invalidate measuring that which can be objectively determined, nor should it diminish the worthiness of using value-added assessment as a tool to better "read" the progress of particular students.

Another concern is that value-added assessment may lead to a focus solely on whether students are progressing, without ensuring those students who start out further behind ever achieve necessary levels of proficiency. Again, this must be addressed by using other methods alongside value-added assessment. Standards can provide minimums that students must achieve while value-added assessment can make sure students at all levels are being challenged. As noted above, the combination of using value-added assessment against predetermined academic standards can provide useful information to schools regarding their ability to meet expectations for student learning.

Findings

The key finding from value-added assessment may well be the objective confirmation that the single most important factor in how fast a child learns is not his or her past achievement, class size, socioeconomic status, or race, but the quality of the teacher in the classroom.[5] Although a student's life situation may statistically predict an academic starting place, it rarely limits the academic ending place. The influence of a teacher dwarfs other factors in the learning equation.

A teacher's influence, for good or ill, has significant residual impact—results that can be measured through value-added assessment. Students who had top teachers for three years in a row scored as many as 50 percentile points higher in math than students who had poor teachers three years in a row.[6]

Value-added data has also been used to analyze how well students at different achievement levels are learning. The rates of academic gain of students at different ability levels can be compared to see whether any group is learning more slowly than others. The most common pattern in this case is that rates of academic gain decline with higher achieving students, indicating a lack of challenging coursework.

In part, the lower gains among higher achieving students may be due to a teacher's natural tendency to help students who need it most. However, the best teachers–those whose students showed the highest gains–also proved the most capable of reaching all levels of students.[7]

Many inner-city schools with low aggregate test scores were actually doing an outstanding job of improving student learning.

Uses made

The most widespread and prominent use of value-added assessment has been in the state of Tennessee, where the Sanders model of analysis was mandated by the Education Improvement Act of 1992. Reports from TVAAS have been issued since 1994. School district and school reports are made available to the general public. Teacher reports are made available only to teachers and their administrator. Initially reports were only collected for grades 2-8 using value-added assessment with norm-referenced data. As appropriate tests are developed for the high school level, the scope of the analysis is being expanded.

Tennessee school districts report that the data obtained through value-added assessment has given them objective verification of what some educators instinctively knew: *Many inner-city schools with low aggregate test scores were actually doing an outstanding job of improving student learning.* Teachers whose students did best were described as hard workers, able to keep themselves and students on task; individuals who arrived early and stayed late; who demonstrated a good sense of humor—a good description of an excellent teacher.[8] This comparison of objective analysis gained through value-added assessment with more subjective, but valuable human experience and intuition provides a reliable context for expectations and accountability.

Not all Tennessee teachers have been enthusiastic about the system. Some ignore the data, while others have found it useful for improving instruction. Marsha Denton, a middle school social studies teacher, discovered that her seventh grade students were learning well, but her eighth grade students weren't showing as much progress. The feedback provided by value-added assessment allowed her to evaluate her teaching methods and modify her teaching style for the older students. Her eighth-graders' scores later went up.[9]

Colorado's Pueblo School District 60 has made use of value-added assessment for five years. They have used a norm-referenced test, but are in the process of incorporating data from the Colorado criterion-referenced assessment. According to John Brainard, Director of Assessment, the district has appreciated the ability to identify and follow best practices. He notes that the data pave the way for better communication between schools about student achievement. Educating principals and parents to understand what the data means has been crucial.[10]

While Tennessee is the only state to date to make broad use of value-added assessment, the statistical model has been used by more than 80 school districts around the nation. The Seattle School District has recently begun using the data received from value-added assessment to analyze school performance. Other districts, such as the Dallas Independent School District, have tried to achieve a similar effect using a simpler statistical analysis.

Conclusion

Value-added assessment not only supports the operational understanding that all students can learn, it also provides a means to determine the pace at which students are learning.

While no one system of assessment will completely explain and evaluate all aspects of student learning, data obtained from value-added assessment can be a useful tool for teachers and administrators to improve student learning. Education leaders in Washington state owe this assessment model a much closer look.

Recommendations

- ***School districts should appoint a committee to review value-added assessment.*** The review should include evaluation of the model from those who use it and from those who have determined it to be invalid or unworkable. Final recommendations should be based on objective findings.
- ***The legislature should commission a preliminary study on value added assessment.*** The A+ Commission or State Board of Education could be charged with reviewing the data, analyzing whether or not it can be used effectively in our state, and determining what adjustments would have to be made in our current assessment system to use it. A final report should be given to the 2003 legislature.

Endnotes

1. "Frequently Asked Questions," *SAS in Schools*, <http://www.sasinschool.com/evaas/resources/faq/index.shtml>.
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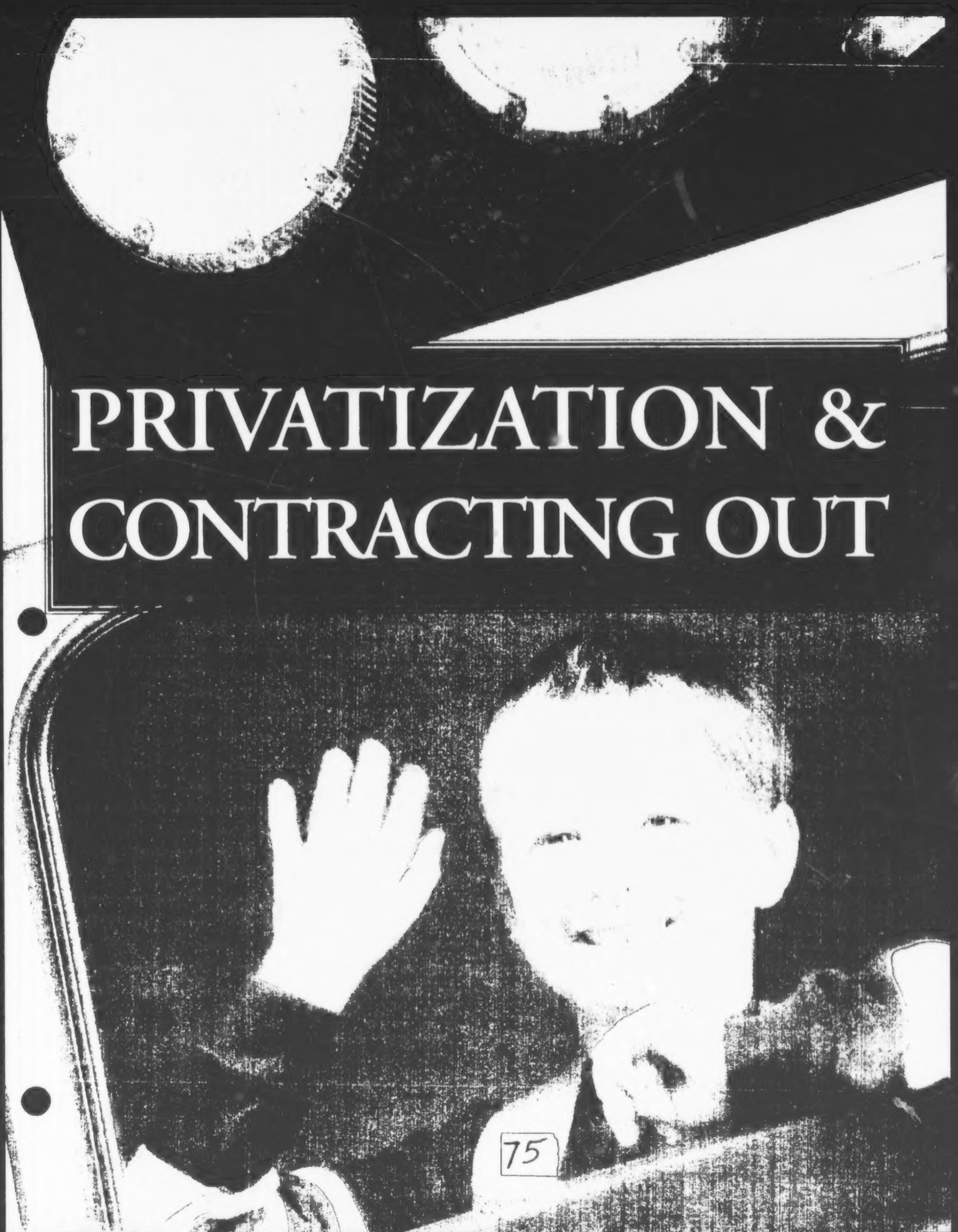
PRIVATIZATION & CONTRACTING OUT



PRIVATIZATION & CONTRACTING OUT

The cost of providing an education for our children continually increases, as does pressure to improve student achievement. As public education officials attempt to please constituents with improved student scores, school districts search for ways to get enhanced efficiency and quality within existing revenue. Some districts, especially in other states, are exploring privatization and/or contracting-out services, particularly those that provide non-educational support.

In school year 1999-2000, public education in Washington state cost taxpayers $7,947,426,562, or $8,266 per student. Of that amount, instructional program costs were $4,565 per student (or 69.4 percent), leaving $3,701 per student for support and other services.[1]

Since the public school system's primary purpose is to provide a quality education for students, the question arises as to whether or not the ancillary services required to bring instruction to the classroom can be more efficiently and economically provided another way. Could privatizing some of these services result in more money being dedicated directly to the education of our children?

Could privatizing some of these services result in more money being dedicated directly to the education of our children?

Balancing the school budget can be an ominous task, and the industrious, intelligent administrator must look at all areas to find efficiencies. Previous research, such as that provided by the Reason Public Policy Institute and the Mackinac Center for Public Policy, conclude that efficiencies and quality can be gained through contractual arrangements with private providers.

Reason Foundation lists seven reasons privatization may be advantageous. It can

- save money
- increase flexibility
- improve service quality
- increase efficiency and innovation
- allow policymakers to steer rather than row
- streamline bureaucracy
- improve maintenance

Obviously, every situation is different and must be carefully analyzed, but some contracting-out/privatization opportunities to consider include accounting, janitorial services, building maintenance and management, computer systems design and maintenance, data processing, printing, transportation, at-risk education and food services.

The largest obstacle to contracting-out or privatizing services in our public education system seems to be the usually unspoken sentiment that, in addition to accomplishing the weighty task of educating our young, our K-12 system must also create many jobs for adults within its own closed system. This dual expectation sets up an obvious conflict for the best use of limited funds.

For the purposes of this document, "privatization" refers to transferring to a private source the task of providing a service that could be, or is normally, provided by district employees. "Contracting-out" means district employees compete with the private sector to provide contracted services or goods.

Included are examples of successful and unsuccessful privatization and contracting-out efforts of other districts around the country. It is hoped that examination of these other districts will reveal best practices that might be implemented here in Washington state.

Overview of privatization and contracting-out in Washington

Responses to a recent survey by Evergreen Freedom Foundation of Washington state school districts (see survey at end of chapter)[2] reveal districts hold diverse approaches as to what services can/should be contracted-out or privatized and how the process should be implemented. While some districts choose to provide most services directly from in-house resources, others, especially small districts, find it necessary to look outside their walls for provision.

Sometimes a district may look to its Educational Service District (ESD) or to another school district for a service it cannot directly provide. The ESD or neighboring school district may be able to provide services from its in-house resources, or it may contract-out.

The contracting survey sent to Washington state school districts did not include services provided by an ESD or OSPI (Office of Superintendent of Public Instruction) since these services are still provided from within the public school system. Excluding ESD- and OSPI-provided services, however, does not take into account the possibility that an ESD or OSPI may use a private contractor to provide resources to the school district. The survey instrument used to procure information for this study was not designed in a way to directly identify these indirect privatization efforts.

That said, information provided to us by school districts and the OSPI indicate that both entities contract-out for some services, making privatization a practice at all levels of our state's educational system.

Most districts contract-out when special skills are required, such as providing legal services or therapy for special education students. North Thurston School District Chief Financial Officer Shawn Lewis expressed it this way: "We generally utilize these contracts when: (a) jobs require specialized skills where it would be too costly to train our current staff to perform the service, or (b) peaks in workload would otherwise require us to incur overtime or to purchase additional equipment to perform the service." Implicit in this statement is the prevailing thought that most districts would rather have services covered by their own staff than to contract-out for services. Only the largest districts, however, can justify having such specialized individuals on staff.

A few school districts choose to contract-out or privatize larger delivery items, such as food services, student transportation, or school maintenance. Information obtained from OSPI indicates that only 46 of the state's 296 school districts (15.5 percent) contract-out all or part of their food services. Fifteen school districts in Washington state (5 percent) contract-out for student transportation, in contrast to the national percentage of 30 to 40 percent of school districts.

Of school districts responding to EFF's privatization survey, 74.5 percent contract-out for at least one noninstructional service (not including a few districts that rely on their ESDs for provision of at least one service). Many smaller districts indicated they have joined with other school districts and public entities in local cooperatives to provide services that the district would otherwise be unable to manage.

Examples from around the country

School districts from around the country have turned to private companies for many goods and services in hopes of saving money and improving quality. Money saved by privatization may then be spent on classroom instruction. In 1994, a Reason Foundation study noted that more than10 percent of school districts contracted with private companies for custodial services, and more than 20 percent contracted for food services and pupil transportation.[3] Privatizing pupil transportation has increased by an additional10 to 20 percent over the last seven years.

Examples of privatization from school districts in other areas of the country show the potential benefits to our state school system if privatization and contracting-out are seriously implemented.

Tennessee

Memphis City Schools (MCS) first contracted for regular bus service in 1972. Parents and other members of the public were concerned about quality of service. Drivers worried about maintaining their jobs. Concerns quickly subsided when it became evident that service was not degraded and most drivers retained their jobs. The district uses periodic surveys to measure the level of service provided by the contractor, but because surveys are not used prior to contracting-out the service, there is no baseline from which to measure overall improvement.[4]

After 30 years of privatized regular bus service and the recent addition of transportation for special education students, MCS, parents, the public, and bus drivers are satisfied with the privatized service.

MCS contracts-out about 80 percent of its school security (including guard service for special events, after-hours building security and routine patrols) through a competitive bidding process. For other security services, the district finds it can achieve greater quality and cost reduction by hand selecting in-house guards. Using this mix, MCS meets its security needs while obtaining greater efficiency.

MCS also contracts-out management of maintenance and custodial services. When the current contractor won the bid in 1993, no employee lost his/her job. The principal aims of the contract are better utilization of the district's limited resources, improved productivity and morale, and superior training for employees. Progress toward achieving these goals is measured through surveys completed by school principals.

MCS realized cash savings from the maintenance management contract during its first year and made that savings part of its baseline for subsequent budgets, adding in an annual cost-of-living adjustment. Money saved in these contracting-out services is spent on building repair and maintenance.

Quality is an enormous part of the decision regarding whether to contract-out for goods and services. MCS operates on the principle that quality includes responsiveness by the contractor to the needs and desires of the customer. When a contractor perceives he or she has a monopoly on providing the service, the level of quality may decrease. MCS seeks to preserve cost savings and quality by soliciting active competition and including strong language in its contracts.

Concerns quickly subsided when it became evident that service was not degraded and most drivers retained their jobs.

Michigan

Privatization continues to change the face of education in Michigan schools. More than 170 charter schools operate throughout the state, thus increasing the competition to attract and retain students. Schools are scrambling to make budgets efficient so that a greater portion of their budgets will be available for classroom instruction. Districts throughout the state have contracted-out or privatized food services, transportation, building and grounds maintenance, information technology, and many administrative services.

> ***"The important thing is ensuring that every possible dollar goes into classrooms . . . not into ensuring that the school district remains the jobs machine of first resort."***
>
> —Detroit Free Press

Inkster school district has actually contracted-out management of all its schools to a private education management firm. Detroit Public Schools District, the tenth-largest school district in the United States and dubbed an "unwieldy monster" by the *Detroit Free Press*, has recently taken measures to streamline operations. It began by privatizing information technology at an expected savings of $10 million over the five-year term of the contract.[5]

Mt. Pleasant Schools privatized its food service management and saved the district $113,000, during the first year of the contract.[6]

But privatization and contracting out is not always a bed of roses in Michigan. An article by the Mackinac Center for Public Policy pointed out that "privatization is just like anything else: it doesn't work well unless it is handled correctly."[7] The administrator must hold the contractor accountable to perform agreed-upon terms during the life of the contract. Without this accountability, profit-driven contractors might be tempted to cut corners, providing the district with an unsafe service. For example, a recent *Detroit Free Press* survey revealed school buses owned by private companies in selected Michigan counties have passed the state safety inspection less often than those of the public-sector school buses in the same area.[8]

In many instances, privatization and contracting-out services has had good success in bringing efficiencies to public education. But it has not been without a struggle. In Arvon Township, Michigan, the school board unanimously favored a contracting-out plan touted to save the district 30 percent on the cost of some non-instructional services. However, the union put up so much opposition publicly and personally against the effort that one board member called a special meeting to rescind his yes vote following a series of threats against his person and business.[9]

Another clash between school administrators and union workers occurred in June of this year when150 Detroit public school workers and their supporters mourned over the potential loss of their jobs through privatization. A union representative claimed that 3,000 jobs could be lost due to the privatization effort, a number proponents said was grossly exaggerated. A *Detroit Free Press* editorial on the matter stated, "Privatizing school support services is not an answer unto itself, but the district owes it to taxpayers and students to seek the most efficient blend of inside and outside operations. The important thing is ensuring that every possible dollar goes into classrooms and other activities that benefit children, not into ensuring that the school district remains the jobs machine of first resort."[10]

Illinois

In 1999, the Illinois Association of School Business Officials, the Illinois Institute for Rural Affairs, and the Illinois Center for Competitive Government conducted a "comprehensive survey of contracting support services in nearly 500 Illinois school districts." Reason Public Policy Institute (RPPI) included some of the key findings in *Privatization 2001*, its fifteenth annual report on privatization. Key findings cited by RPPI were:

- Certain services can only be provided by contracting
- Roughly 25 percent of school districts plan to increase privatization
- Contracting impacts few employees; and
- Rural districts have more difficulty attracting service providers[11]

Maryland

In 1992, Baltimore contracted with a school management firm based in Minnesota to operate nine inner-city schools for five years. Education Alternatives, Inc. (EAI) promised to raise standard test scores as part of their contractual obligation. Critics were quick to point out that this goal was not achieved in the first two years. EAI did, however, significantly lower the number of students eligible for "learning disabled" classification, thus including a new student population in the standard testing pool—a group not included in the two previous years. Further, even with these former "learning disabled" students included in the testing, the schools operated by EAI actually showed a greater increase in test scores than other schools in Baltimore.[12]

The city canceled EAI's contract on November 20, 1995 and the press coverage pronounced doom for EAI and private management of public schools. What went mostly undiscussed in the press reports is that EAI had rejected an ultimatum issued to them by city officials that the company accept $7 million less a year, or 16 percent of its $44 million-a-year contract, to help Baltimore close a deficit in its municipal budget.[13]

Rhode Island

In 1995, school districts in Rhode Island began replacing their self-operated food services plans with contracts with food service management companies. Initially, the state traded an $11 million annual food program appropriation for a less than $200,000 program.[14] Not only did the change save state dollars, but students tired of "macaroni surprise" and "hash-on-a-bun" type offerings began buying food . . . and eating it. Today 29 of Rhode Island's 36 school districts contract with food service management companies.[15]

Washington state school districts

Transportation

The average cost per pupil for student transportation in Washington for the1999-2000 school year was $262.63. The range goes from a low of $62.32 per student at Kalama School District to a high of $5,651.52 per student at Star, the smallest school district in the state.[16] For the 15 school districts that have partially or completely privatized student transportation, the price ranged from $184 to $574 per student for an average cost of $356 per student.[16] See *Table PC-1*.

On its face, some of the districts that contract-out student transportation appear to be paying higher costs because the totals exceed state averages. In reality, these 15 districts are saving money through privatizing student transportation because of unique circumstances faced by each. For example, because of Star's small and rural nature, the district probably would not realize substantial savings if it chose to privatize its student transportation. Because Kalama School District's students are geographically compact, it already experiences low costs which would probably increase if the district were to privatize transportation. But if experiences in other states are an indication, other districts might well enjoy savings over their current transportation costs through privatization.

Nine Mile Falls School District

Nine Mile Falls School District began contracting-out student transportation prior to 1980. While they have no prior data from which to compare before and after costs, a conversation with the district's Director of Business, Floyd Smith, revealed the key elements that clinched their decision about student transportation systems:

School district transportation funding is provided by the state based upon the straight-line distance from the school to the student pickup point. A river runs through it—the Nine Mile Falls School District, that is, limiting access from side to side and increasing actual transportation mileage. The cost per student for transportation is driven up, forcing the under-funded district to subsidize its straight-line state funding by $140,000.

Due to the high cost of buying new buses, districts experience tremendous maintenance costs for school buses compared to that of a private contractor. Due to its geography, the Nine Mile Falls District is already cash strapped for transportation funding and has no money to put into a sinking fund for bus replacement and repair. Nine Mile Falls School District's transportation contract provides that the district will get new buses every five years, giving the district safer, more reliable equipment.

Privatized transportation removes school district concerns about transportation personnel issues. From a management perspective, officials at Nine Mile Falls School District are no longer responsible for transportation personnel issues. The contractor provides staff training and addresses personnel

Pupil Transportation **District Cost Per Pupil**	
Adna	$373
Battle Ground	$340
Colville	$326
Everett	$237
Hockinson	$388
Newport	$545
Nine Mile Falls	$317
Riverside	$574
Rochester	$491
Seattle	$544
Spokane	$184
Steilacoom	$368
Tacoma	$292
Tenino	$442
Vashon Island	$328
Average	$356

Table PC-1: Source: Superintendent of Public Instruction grievances for transportation staff, freeing school district officials to address other school district issues.

Floyd Smith explained, however, that once a district privatizes student transportation, it virtually locks itself in to continually contracting-out the service. If a district wants to return from privatized transportation to providing the service in-house, the cost of acquiring new buses would make it all but impossible. This dependence makes it imperative that competition to provide the service be available, otherwise the district is placed in the tenuous position of bowing to the demands of a monopoly.

Lake Washington School District

When Lake Washington High School changed its daily start time, school officials needed more buses to transport students. Normally, the district's buses provided service to high school students first, followed by junior high and then elementary students. The change in start time for the high school conflicted with transportation for junior high students. The district began purchasing passes for eligible Lake Washington High School students to ride to school on King County Transit. This allowed the district to avoid incurring the cost of adding buses and staff to its operation. It also keeps its transportation cost per pupil to just 92 cents over the state average.

Food Services

In school year 1999-2000, Washington state school districts spent an average $222 per pupil to provide food services. Small school districts often lack buying power and are presented with the unique problem of being unable to provide food service on a cost-effective basis.

White Pass School District

White Pass School District could not afford to provide food service prior to contracting with a private company. School district employee Tina Barnes says the district provided food service to all 813 students in its four schools for a per pupil cost of $310.93 during the 1998-99 school year.

Coupeville School District

Like White Pass, Coupeville School District's food service program had been out of operation for 15 years prior to contracting-out the service. The district now provides food service to its students, through its contractor, at a cost of $208.80 per pupil.

Lake Washington School District

Lake Washington School District has been contracting-out its food service for several decades. The district is currently paying an average of $184.79 per pupil for food service.

Toledo School District

When Toledo School District privatized its food service program in 1998, it faced normal employee fears regarding job security. These fears subsided when all district employees were retained. This is not an exception to the rule; in many cases a school district contract to privatize food services contains a stipulation that all existing employees be retained with no erosion of salary or benefits. Comparing year-end reports from the 1997-98 school year to those of the 1999-2000 school year demonstrates Toledo School District saved about $6,000.

Many school districts contract out only for the *management* of their food services programs. Food preparers and servers remain school district employees and the contracting company provides both training to workers and the purchasing power of a large company. Savings in food service costs are passed on to the school district, leaving it with a better-trained workforce, increased food quality with greater selection, and more money to dedicate to instruction-related programs.

When a district first contracts-out food service management, it may experience an implementation gap. Extra time may be required for the district and the management service to work out the most efficient way of working together.

When Bridgeport School District contracted-out for the management of its food service program, it initially experienced this implementation gap, but after the first year, the district realized an increase in food quality and a savings of more than $4,000 over the previous year's costs.

Energy consumption

Bellingham School District has found it can save money by contracting out energy consumption monitoring. The district noted on its contracting survey that "the energy consumption monitoring has validated savings realized from capital improvement and has identified problem areas where savings were not realized." It has reduced its energy consumption bills by $146,000 annually. Considering the rapidly increasing energy rates over the last year, this is remarkable and worth modeling.

Contracting model

Privatizing and contracting-out services can be economically advantageous, but simply finding a contractor, signing a contract, and going on with business does not guarantee success. Unprepared school districts have experienced the pitfalls that privatization and contracting-out potentially hold.

To help school districts avoid these traps, the Reason Foundation hosted a *Making Schools Work* conference on implementing competitive contracting for school services. In a presentation on assessing the feasibility of privatizing or contracting-out a service, Gail Ostler, a certified public accountant with many years of financial management experience, noted, "if you really do the up-front planning, the rest of the RFP [request for proposal] kind of falls into place, and it really provides you a good foundation for making decisions... . The lesson that I've learned over the years is that the better prepared you are, the more homework you do up front, the better chance you have that your venture will be a success."[18] She provided seven questions planners should answer to ensure a sound basis upon which to make a decision whether to privatize a school service:

1. Why is a function or activity being considered?
2. What specifically are the measurable goals and objectives to be achieved through contracting?
3. Is there competition in the market or are there a limited number that can provide this service?
4. What are the costs of performing the function internally, both one time and operating, associated with contracting?
5. Are there any laws or labor agreements that limit or prohibit the authority to contract for this function?
6. If contracting is to be pursued, what are the specific actions that need to be taken, and by when do they need to be accomplished to assure a successful transition?
7. What support can I realistically expect from the school board and from the community?

Union officials adamantly oppose any form of privatization or contracting-out, even though few, if any, jobs are lost in privatization efforts. (Employees may retain their jobs, but through a non-union company.) No job loss or pay reductions were noted in the Washington state school district contracting survey. When districts write the RFP for a complete service contract, they usually include the stipulation that all existing employees must be protected. (Prospective contractors should review a copy of the bargaining contract the district has negotiated with the union.)

Competition is necessary in order to successfully privatize a service.

One might ask how contracting-out saves the district money when all employees are retained at their current pay either by the district or by the incoming contractor? Often, current employees know best how to do the job and just need to be free from excess management and unnecessarily restrictive practices. Savings may be found in other benefits the contractor brings, such as increased purchasing power and quality staff training. The resulting team of better-trained employees reduces the need to hire outside expertise to handle difficult problems and creates increased efficiency in day-to-day work. Also, the private contractor need not maintain long-range, artificial hiring quotas (number of employees).

As already stated, competition is necessary in order to successfully privatize a service. In the event a service provider becomes the only resource available, the efficiencies of a "well-oiled machine" tend to erode, making the district pay more for the service. Before contracting out for a service, the district should ensure adequate competition exists in the private sector to provide the service.

Important Considerations

Each opportunity will present a different set of circumstances that must be considered individually. Key questions to ask are:

- Is this a task or program suitable for a long-term contract or does it need to be kept on a short leash?
- Can objective performance measures be determined?
- If the contract needs to be monitored, will contracting-out the service allow this to occur? If so, how?
- Can more than one firm provide the service to ensure competition and to guarantee an option should the first firm have trouble completing the contract?

Conclusion

All research undertaken for this study indicates that savings are available for school districts that choose to privatize or contract-out for certain services. Privatization and contracting-out often bring savings, higher quality service, and greater efficiencies to the daily tasks associated with educating children in Washington public schools. While several school districts have adopted this avenue for providing service, many have not.

A non-competitive environment, no matter what the cause, breeds complacency and inefficiency. Privatization and contracting-out can and should result in increased efficiency and improved quality as long as competition prevails. District officials, local school board members and state legislators must do their part in making our schools a fruitful experience for our children—an experience that prepares them in the best possible way for the challenges that face them in the workplace and in our communities.

Recommendations

- ***Legislators must change laws*** (especially the Spokane Community College law)[18] ***to allow districts to privatize*** or contract-out whenever it is beneficial to the goal of providing an excellent education for students. School officials need not "make" all the products; they can "buy" them.
- ***School administrators should build bridges with public employee unions*** by developing an incentive program for areas that may be privatized or contracted-out. Some contracts can stipulate that private firms, if selected, must give current employees first consideration. In other cases, this provision would be counterproductive.
- ***Publicize successes and failures*** so other districts can benefit from the experience gained.
- ***Develop a complete financial analysis of each proposal.*** Assess all direct and indirect costs.
- ***Appoint a Competetive Contracting Committee*** (district-driven) to look for contracting-out and privatization opportunities in each district.

Endnotes

1. Office of Superintendent of Public Instruction (OSPI), *School District Financial Reporting Summary 1998-1999*, Table 9 and *School District Financial Reporting Summary 1999-2000*, Tables 9 and 11.
2. All 296 school districts received a request for information. Evergreen Freedom Foundation received only 132 responses for a 45% response rate.
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12. Lawrence W. Reed, "Ideas and Consequences: Mixing Public and Private," *The Freeman*, July 1996.
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14. S. Glass, "Happy Meals," *Policy Review*, Summer 1995, No. 73, 84-85.
15. Email from E. Richard Morrell, Rhode Island Department of Elementary and Secondary Education, 2 October 2001.
16. School Financing and Apportionment Services, "Washington State School Districts Per Pupil General Fund Expenditures by Program Group - Fiscal Year 1999-2000," *School District Financial Reporting Summary*, (OSPI, 2001).
17. All Washington school district data is from district responses to the privatization survey conducted by the Evergreen Freedom Foundation.
18. Presentation by Gail Ostler, "Using Contractors to Cook, Clean, and Drive the Bus," (Reason Foundation's *Making Schools Work* conference, December 1996), <http://www.rppi.org/ps221.html>.
19. RCW 41.06.380 and 382 prohibits contracting out services if it would result in the elimination of current employee positions.

CONTRACTING SURVEY

1. Does your district contract out for any instructional or non-instructional services?

___YES ___Instructional ___Non-Instructional

___NO Please go to question 4.

2. If you answered "YES" above, please indicate below which services you contract out.

SERVICE	YEAR BEGAN	WITH WHOM
___Administrative Services	______	______________
___Management	______	______________
___All	______	______________
___Other	______	______________
___Legal Services	______	______________
___Heating, Ventilation, Air Conditioning	______	______________
___Vehicle Maintenance	______	______________
___Printing	______	______________
___Transportation	______	______________
___Non-Special Ed Students	______	______________
___Special Ed Students	______	______________
___Computer/Technology Services	______	______________
___Food Services	______	______________
___Management Only	______	______________
___Entire Program	______	______________
___Grounds Maintenance	______	______________
___Custodial Services	______	______________
___Management Only	______	______________
___Entire Program	______	______________
___Other (please describe)	______	______________

3. What *instructional* services do you contract out?

___Complete School Management	______	______________
___Special Education	______	______________
___All	______	______________
___Parts (please describe)	______	______________
___Reading services	______	______________
___Math services	______	______________
___Instructional services not already listed	______	______________
___Electives (please describe)	______	______________
___Other	______	______________

4. Do you plan to either begin or increase contracting in the future?

___Begin ___Increase

5. Which areas are you considering contracting out and when?

If you have contracted out any services, please comment on some or all of the following questions.

6. Was the initial reception to contracting out favorable among affected personnel? If not, please describe employees' concerns.

7. Were affected personnel fearful of losing their jobs?

8. Were all affected personnel able to keep their jobs? If not, what percentage changed jobs?

9. Has contracting out services improved the quality of service? How do you measure quality?

10. Has contracting out saved the district/program money? If so, how much?

11. If transportation was contracted out, did the district maintain ownership of the buses or did the private company purchase them?

    If the company purchased them, did the district realize cash for the transaction?

12. What problems, if any, have you encountered in any of the areas contracted out?

Other comments or additions:

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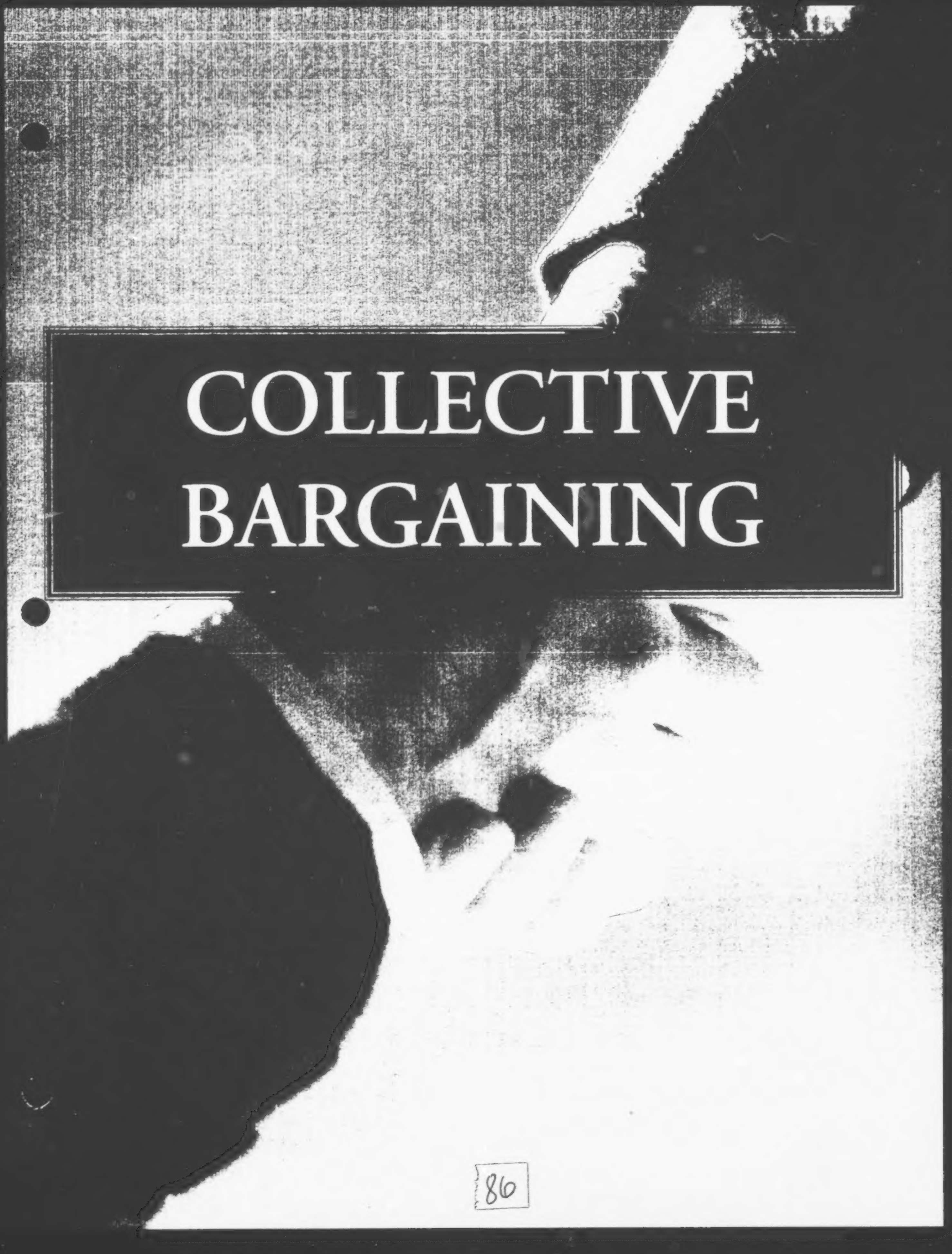
COLLECTIVE BARGAINING



COLLECTIVE BARGAINING IN PUBLIC SCHOOLS

TURNING THE FOCUS TO STUDENTS

What happens when one entity becomes the sole determiner of quality, distribution, price, *and* buyer options for an important commodity? What happens when this important commodity is public education and the controlling entity is a union?

In the great debate about how to reform education in Washington state, the overarching influence of the teacher union and the collective bargaining process has been conveniently ignored. Yet, collective bargaining affects every teacher, administrator, parent, student, legislator and taxpayer in our state.

The impact of collective bargaining extends from the obvious to the indirect, including issues such as:

- teacher evaluation
- class size
- sick leave, work rules, promotion, retirement and grievance procedures

- the number of hours and minutes worked
- how many days children will be in the classroom
- the make-up of local curriculum planning teams and site-based councils
- the use of volunteers on school campuses
- how much funding is available to hire teachers within the district

The majority of education dollars in the average school district in Washington state are spent to meet the demands of collectively bargained contracts. Large districts negotiate a dozen or more contracts with employee groups. What is in these contracts and do they facilitate or frustrate the ability to offer each student in our public school system the best possible educational opportunity? Do these contracts enhance or erode the professional preparation and satisfaction of teachers?

The collective bargaining process must change if it is to remain relevant for public education. And school board members must become as highly skilled in the *key* elements of negotiations as the union officials they face across the bargaining table. When school board members are well informed and properly prepared, collective bargaining has a better chance of being used as a tool to improve employee benefits and working conditions without sacrificing the educational progress of students. To truly reform education, we must insist on a process that will

> ***All too often restrictive terms prevent the right teacher with the right training from being in the classroom where he or she is most needed.***

- untie the hands of teachers, administrators, and school boards to allow the development of quality, innovative educational programs
- re-establish the right of administrators and school boards to make critical policy decisions
- restore district accountability and the trust of parents and taxpayers in local communities by providing excellent academic results and making better use of scarce resources
- provide teachers with a less regulated work environment where innovation and excellence can be rewarded

The impact of collective bargaining

Collective bargaining is not just an abstract legal practice. It is a process that daily affects everyone with an interest in educating children. The emphasis of collective bargaining as a matter principally affecting the relationship between employees and employers obscures its critical, far-reaching influence on the entire education system. The terms of a collective bargaining agreement can even control the management of the school district. While collective bargaining can have a positive influence on the operation of the school district, all too often restrictive terms prevent the right teacher with the right training from being in the classroom where he or she is most needed.

The purpose of collective bargaining is generally perceived as a union negotiating with management for the best possible salary and benefits package for its member employees. However, attempts to protect employees often impose significant limits on the decision-making capability of management. The union may also decide it needs to create a hostile environment, since employees would have little need for a union if they believed they could sit across the table from management directly and hash out a contract fair to both sides.

Interest-based bargaining, a new strategy for approaching education-related negotiations, has been praised by some for reducing tensions between the union and administration, and for fostering teacher professionalism.[1] The idea behind interest-based bargaining is for the parties to begin by identifying common interests, and then find a solution to implement those interests. But is it a collective bargaining panacea?

Whatever its advantages, interest-based bargaining is time consuming.[2] It can involve extensive discussion on implementation of a decision that might otherwise be clearly spelled out in the contract or made by administration as a matter of course. Administrators and school boards must carefully weigh the trade-off of friendlier negotiations against protracted interference with their decision-making authority. The bottom line in any school district decision should be educating students. Where creative, mutually agreeable solutions advance this goal, they are worth the effort. On the other hand, the goal must not become subservient to the process.

That said, interest-based bargaining is certainly worth investigating. Administrators and school board members may find it, or a derivation thereof, better meets their needs.

In the private sector, some people say the collective bargaining process can improve conditions for employees without having a long-term impact on the end product. We will leave this argument to others, but in the public sector, collective bargaining has far broader effects.

Impact on school boards

In the case of collective bargaining on behalf of teachers, the management whose discretion is being limited is the elected school board. As a result, a private entity–a labor union–controls essential elements of public school policy, short-circuiting the intended democratic control of public education through elected school board members.

The impact of collective bargaining on the autonomy of school boards goes beyond the obvious. Collective bargaining in education differs radically from all private-sector and virtually all other public-sector bargaining because of one vital fact: school boards are elected. In the private sector, management may refuse to yield to union demands it believes are unreasonable. In retaliation, the union membership may make the work environment strained, but it has no legal mechanism to threaten management with replacement. Most public sector unions also have limited ability to remove management since they deal with layers of bureaucracy far removed from elected officials. In contrast, the same school board members who vote on the teacher contract could be removed at the next election.

The union's support or opposition can make all the difference in the outcome of an election. A local union that gets involved in politics may be able to select new board members it finds sympathetic, or remind those who are elected of their potential fate should they disagree.

Where binding arbitration is selected as the method of resolving disputes during negotiation, even more serious infringement on school board autonomy results. Binding arbitration means that, when either party declares an "impasse" because they cannot agree on contract terms, a third party is brought in to establish the terms. This takes governance of school district policies and budgets away from the elected boards, and gives it to an unelected, unaccountable, and as far as the general public is concerned, an unknown arbitrator.

An impasse benefits the union since the final terms and conditions will never be less than management's last, best offer.

Impact on administration

Although administrators do not face the same direct threat through elections that school board members face, they will find their ability to manage and direct the operation of the school largely determined by the terms of the collective bargaining agreement. The more aggressive local unions can use pressure tactics and negative media coverage to render an administrator ineffective—actions reinforced by the state union. During the 1999 negotiations over the Clover Park School District contract, the local union levied a "no confidence" vote against the district's superintendent. The local union president expressed the union's position: "He can change the way he does business, or he can leave."[3]

Shortly after the district signed a contract that the union proudly touted as fulfilling most of its demands, the superintendent took a job elsewhere. Whatever the connection between the two events, the message the Washington Education Association (WEA) wanted to send to other uncooperative superintendents was clear. This is how it lined up the headlines on its website:

- Clover Park schools chief loses vote of confidence 6/17/99 TNT;
- Clover Park schools chief says he won't buckle to union 8/4/99 TNT;
- Clover Park employees win big with new contracts—WEA news release 9/1/99;
- Clover Park schools chief leaving 10/29/99 TNT.[4]

Another union tactic that may be used when collective bargaining goes sour is the threatened or actual filing of unfair labor practice complaints against administrators who do not bow to the union's will. For example, one district faced claims of discrimination when it decided to transfer a ninth grade math teacher from the high school to the middle school, along with the entire ninth grade. The teacher was a union negotiator and he filed a discrimination charge at a critical time: one week before the next school board election.[5]

Too much labor unrest, too many complaints, and eventually a school board looks for another administrator—or the board itself gets replaced.[6] For administrators, the easy choice is to go along with the union, regardless of whether this requires compromising their obligation to uphold the best interests of children and the public.

Fomenting discontent

The entire collective bargaining structure would collapse if teachers believed they could be protected from capricious or unjust administrative and legislative policies. Teachers would have no reason to pay hundreds of dollars to the union–an average of $683 annually–if they believed they would be treated fairly. Therefore, it may be in the union's interest to create antagonism (or fear) between teachers and administration. For example, many contract provisions, such as clauses requiring administrative support for teacher's discipline of students or prohibiting reprisals against teachers who file grievances, serve little legal purpose because the law already extensively covers these areas. Even though these clauses are legally unnecessary, union officials count on teachers' ignorance of legal details, so that the union's role as "protector" of the employees is reinforced.[7]

Creating antagonism between teachers and administrators may help the union, but it is certainly not in the best interests of teachers or school children. In many instances, instead of working together for education excellence, teachers, unions, and administrators become warring factions with students caught in the crossfire.

Impact on teachers

Teachers, the supposed beneficiaries of collective bargaining, also suffer negative consequences from a process that too often portrays teachers in an unprofessional light. A professional designation implies one who 1) has received the required special training for a complex field, and 2) accepts responsibility for success in the midst of responding to many factors beyond his or her control.

In contrast, the industrial model of collective bargaining covers employment that primarily requires competent adherence to standard procedures, such as assembling parts or driving trucks. In such situations, where the one-size-fits-all model of collective bargaining is more appropriate, ability to do a job is easily evaluated and established.

Teachers justly call themselves professionals. Teaching is not rote application of rules. Teaching, like law or engineering, requires both knowledge of standard principles and an ability to perceive, innovate, develop, and transmit knowledge to others. The inflexible system created by collective bargaining limits teachers in their freedom to respond to a broad variety of circumstances, and diminishes their ability to gain individual recognition for a job well done.

> ***"We lost our way when we became more interested in the employment of adults than in the education of children."***
>
> —John Stanford, former Seattle Superintendent

Collective bargaining can also distract teachers from the very job they signed a contract to do. Union meetings, union issues, negotiations (sometimes strikes) and contract provisions that increase teacher involvement in personnel decisions and workplace concerns require additional, precious time. Teachers do have a vital interest in management and workplace decisions, and they should have meaningful input, but they are hired to teach, not administrate.

Furthermore, while union officials often point out the areas in which they do bring benefits to teachers, they are, naturally enough, less eager to fight for teachers in areas where solving problems might put them (the union) out of business. Union lobbyists, for example, do not argue for increased pay for exceptionally talented teachers, particularly for educators who achieve academic success with students under difficult or out-of-the-ordinary conditions. This could potentially segment the membership—an unhealthy dilemma for a union that needs uniformity to flourish.

Another example is insurance. Although teachers and their families might benefit from more competitive health care plans, union officials often attempt to block this possibility, perhaps because of the hundreds of thousands of dollars in "administrative" fees they receive under the current arrangement.

The reason for the union's selective silence is understandable. For the union to remain a viable entity, its services must be viewed as indispensable by most teachers. Furthermore, the union must maintain public sympathy, which means there must be some evil remaining for it to fight. It is hard to be too enthusiastic about solving a problem whose solution would put you out of business.

The union does provide valuable resources for teachers in professional development, bargaining expertise, and legal protection. Teachers, however, need information to determine whether it costs them more than it is worth.

Impact on students and parents

In justifying the negative elements of collective bargaining, teachers' unions claim that whatever is in the best interest of teachers also must be in the best interest of students. The truth is, the collective bargaining process itself often forces dismissal of the interests of students and parents. It is the nature of the beast. Understandably, collective bargaining is employee-oriented. That is the purpose of having a union: to protect the best interests of its members, not the best interests of the district or the children. In a widget factory, this might not be so bad, but children are not widgets.

The late Al Shanker, former president of the American Federation of Teachers, summed it up when he said, "I will begin to care about the quality of children's education in this country when they start paying union dues."[8]

Collective bargaining refocuses education policy from identifying, obtaining and administering the necessary ingredients for academic results for students to a process that too often pits teachers and administrators against each other. The consequences for children, their families and society in general are incalculable. As former Seattle Superintendent, John Stanford stated, "We lost our way when we became more interested in the employment of adults than in the education of children."[9]

Not only do students and parents have little control over the final product gained through collective bargaining, they have limited opportunity for meaningful input during the process, despite its immense effect on their lives. In one Washington high school, a revised school schedule operated successfully for three years, gaining support among students, parents, administrators, and a majority of teachers. Unfortunately, it violated a contract provision governing allocation of preparation time for teachers. The schedule had to be discontinued because super-majority approval by the teachers was required to continue waiving the contract provision. This discontinuation of the revised schedule left students and parents frustrated about their lack of input in the process.[10]

Impact on lawmakers

Collective bargaining limits the ability of lawmakers to implement policy changes, even when the changes could be advantageous to student achievement and teacher satisfaction. Worse still, by attempting to fix what ails our public schools without creating conflicts with the union, well-meaning lawmakers have spent the last twenty years micromanaging the K–12 infrastructure. They have passed regulation upon regulation in hopes of reinvigorating our schools, only to frustrate themselves and nearly everyone else in education.

The question crossing the lips of far too many lawmakers when contemplating education policy is "What does the union think?" not, "Is this good for students?" This is because the Washington Education Association is consistently one of the largest lobbying forces during each legislative session, and the union has repeatedly demonstrated its willingness to communicate through strikes and massive election activities aimed at seating or unseating particular lawmakers. Strikes, aggressive union lobbying and sophisticated electioneering encourage lawmakers to pass bills in response to the crisis of the moment, rather than giving deliberate consideration to what is best for *all* parties involved.

> ***Strikes, aggressive union lobbying and sophisticated electioneering encourage lawmakers to pass bills in response to the crisis of the moment.***

Impact on taxpayers

Collective bargaining in public education affects taxpayers in two ways. First, they must subsidize the process itself. In all districts that bargain collectively, this includes the cost for the administration's time spent bargaining. In many districts, union negotiators are released from their teaching duties to bargain without loss of pay, so that both sides are subsidized by the taxpayer. Even more common are provisions subsidizing teachers' time spent on grievance proceedings or contract administration. Often negotiation costs also include the services of professional negotiators and lawyers. When labor disputes arise, taxpayers pick up the costs for the time spent in court.

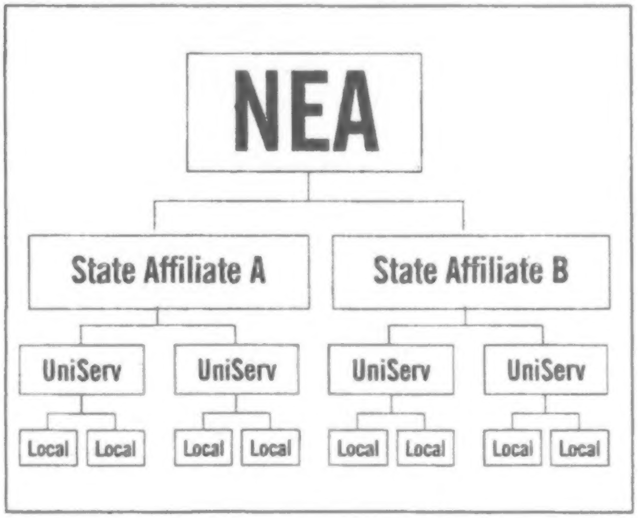
In larger districts, the problem multiplies because of the increased number of unions. Many large districts have more than a dozen different unions with which they must negotiate. As more employee groups decide their concerns should be addressed individually, the administrators' duties related to bargaining become more time-consuming, expensive and frustrating. Adding to the strain are the various employee groups in the same school who find themselves either at odds with one another over contract disputes, or in need of collaborating together to establish a "unified front." Satisfying these competing interests is very costly for administrators (and school boards) who must constantly juggle and refocus funds, and it is costly for taxpayers who must foot the entire bill.

In addition to paying for the collective bargaining process, taxpayers must pay for the benefits negotiated through collective bargaining. If a private-sector union bargains overly generous benefits for its members, the company will be forced to shut down or lay off employees. Unlike the private sector that must accommodate market forces, school districts have no such moderating influence. This does not mean the financial well is bottomless. Taxpayers voting "no" on levy requests are the closest thing to an immediate and realistic market force in public education. But schools are obligated by law to keep operating, even if unreasonable contract demands force them to cut areas vital for students. And, unlike a private-sector customer, taxpayers must keep supporting public schools even if they are frustrated with performance.

Frustrated taxpayers will often vote down school bonds and levies, but each district faced with a failed levy vote is still bound by collective bargaining contracts, requiring ever-deeper cuts in whatever areas do not place them in violation of their existing collectively bargained contracts. Only after collective bargaining obligations are fulfilled may districts evaluate how allocation of the remaining funds will provide the best educational opportunities for students.

Conclusion

In a short period of time, collective bargaining has become an almost unquestioned part of the education process. But if public education is to have a healthy future, nothing should be left unexamined or taken for granted. The challenges collective bargaining creates for those involved in education require a serious evaluation of the entire bargaining process. Reevaluating the role of collective bargaining will take time. Since collective bargaining will probably continue as a part of education in the near future, the remainder of this study addresses what can be done in the interests of quality education within the existing system. But first, a little history.



The history of collective bargaining in Washington's public schools

Before the advent of collective bargaining legislation in the early 1960's, employment protection was guaranteed to public school employees through state civil service laws. The first one hundred years of public education provided for the employment needs of teachers and the educational needs of students without a collective representative body for either. Civil servants, particularly principals, superintendents, and other administrators, began forming "professional associations" in the mid-1800s.

Union organization at the national level

The National Education Association (NEA) was founded in 1857 as a professional association for administrators.[11] Although the NEA membership later included mostly teachers, the influence of the administrators initially led the NEA to oppose collective bargaining.

In contrast, the American Federation of Teachers (AFT) supported collective bargaining, modeling itself on unions in the industrial sector. An affiliate, the United Federation of Teachers (UFT), led the way in collective bargaining when, in 1961, it was granted the authority to collectively bargain for New York City teachers. Collective bargaining gained momentum in the early sixties as several states granted authorization for unionization of state employees. The growing acceptance of collective bargaining resulted in the AFT's membership increasing from 60,000 teacher members in 1961 to 300,000 in 1970.[12]

Meanwhile, in the late 1960's and early 1970's, school administrators, principals and superintendents separated from the NEA to form their own "professional associations." Faced with the departure of administrative personnel and the rapidly increasing teacher membership in the AFT, the NEA recognized its need to embrace collective bargaining to remain the largest teacher association in the nation. The NEA entered into this new arena by declaring it supported "professional negotiations" as opposed to "collective bargaining." As it turned out, this was only semantics, since what the NEA affiliates called "professional negotiations" were the same activities undertaken by AFT affiliates as "collective bargaining."[13] Thus, the NEA actively embraced collective bargaining for teachers by the early 1970's and has remained adamant in that position to this day.

Union organization at the state level

The NEA's real strength comes from its state affiliates. In 1889, 124 educators formed the Washington Education Association (WEA). Today, WEA claims 73,000 members. This number includes 56,000 certificated K–12 teachers, classified employees, (secretaries, custodians, assistants, bus drivers and other education support personnel), and higher education faculty members. WEA-Retired has about 2,500 members.

In 1965, WEA lobbied the legislature for a negotiation package that resulted in the *Professional Negotiations Act*.[14] WEA officials argued that teachers were concerned about wages, hours, schedules, and the length of the academic year. This act required school boards to "meet, confer and negotiate..." with an employee organization. The first collective bargaining contract negotiated under the *Professional Negotiations Act* was completed in 1968 in Tacoma.[15] The Seattle Teachers Association followed in 1969.[16] In 1967, the legislature passed a collective bargaining law for classified and support staff.[17] The law provided these public education employees with the right to negotiate over "wages, hours and working conditions."[18]

In 1970, the National Education Association, of which WEA is a state affiliate, initiated a new field staff program now called UniServ. The UniServ program placed a staff person trained by the NEA in the field for each group of 1,200 union members. A single UniServ contains several local associations from the same geographic area. Along with paid union staff support, most UniServs have local "release time" teachers serving in various leadership positions such as President and Vice President. Release time allows educators to take time away from teaching duties to conduct union business.

The UniServ staff workers assist the local associations in contract administration such as bargaining and grievance resolution, holding workshops for teachers assigned to the bargaining committees and encouraging teacher involvement. UniServ staff aggressively organize the local associations to expand bargaining.

Scope of the EERA

The primary statute governing collective bargaining for educational employees is the Educational Employment Relations Act (EERA). The EERA governs employees of K-12 public schools who must receive a state-issued certificate to qualify for their jobs, and who are not administrators or confidential assistants to administrators. For the sake of simplicity, this study uses the term "teacher" interchangeably with "certificated employee," even though other employee groups, such as librarians and counselors, often bargain together with teachers under the provisions of this act.

As unions made more and more demands, strikes ensued. School boards contended these demands usurped the board's authority and responsibility to the students, parents and communities each district served. Boards that refused to yield to union demands found themselves faced with striking teachers. The first K–12 teacher strike in Washington state occurred in Aberdeen on May 10, 1972.

In 1975, the WEA lobbied the *Education Employment Relations Act (EERA)*, which explicitly provided collective bargaining rights for K-12 certified employees, through the legislature. The bill took effect January 1, 1976, only a few months after the legislature had created the Public Employment Relations Commission (PERC). PERC administers most of Washington's public employee bargaining acts, including the EERA, and provides the initial quasi-judicial hearing for most cases arising in public employee labor relations.

Following the passage of EERA, local associations throughout the state entered the bargaining process with detailed collective bargaining proposals, often created from a master template provided by the NEA. This formula continues today.

Fundamentals of collective bargaining

For most people, including the average teacher and school board member, collective bargaining appears to be a morass of legal technicalities. Local school boards and administrators, facing complex concepts such as "duty to bargain" and "exclusive representation," may engage in something called an "unfair labor practice" by unintentionally making one wrong move. The following sections are designed to make the collective bargaining path a little clearer.

Public Employment Relations Commission

The Public Employment Relations Commission (PERC) was created by statute in 1975. Rather than enforcement of contractual provisions, PERC administers state labor statutes and seeks to facilitate positive labor relations. Although PERC may make non-binding recommendations to aid the bargaining process, it does not determine parties' rights under their collective bargaining agreement or provide a remedy for breach.

PERC's responsibilities are generally divided into the following categories: certifying an exclusive bargaining representative; determining a bargaining unit; mediating grievances; ruling on individuals' rights not to join the union; resolving impasse in contract negotiations; and processing unfair labor practice complaints.

Non-union districts

Thirty Washington districts do not bargain collectively. This means employees have no union representative and the district deals directly with employees. School board policies and individual contracts govern the employment relationship.

Certification of exclusive representative

The vast majority of Washington state teachers are represented by a union. The transition from a non-union district to a unionized district begins when a union informs the school district that it wishes to represent a particular group of employees. The school district or the union may then ask the Public Employment Relations Commission (PERC) to determine whether the union has sufficient support to be certified as the exclusive representative of that group, known as a bargaining unit.[19]

PERC conducts an election by secret ballot of the group of employees in question and certifies the union as exclusive representative if it receives a majority of the votes cast. Once the union is designated the exclusive representative, the employer may no longer bargain with its employees directly.

Bargaining unit determination

PERC is responsible for determining which employees should be grouped together as a bargaining unit.[20] A bargaining unit is defined as a group of employees with similar interests such as common duties, skills, or working conditions, among other factors.[21] For example, education associations typically represent certificated employees, including substitute teachers that have worked with the district for a specified period of time. Classified employees would be members of different bargaining units.

The union is obligated to represent all the members of the bargaining unit. In return for representation, each employee within a bargaining unit is generally required to join the union or pay an *agency shop fee*. (See side bar.)

The law provides a process whereby either the employer or the union may petition for clarification or a change of the unit definition.[22]

Bargaining process

Labor: The union conducts its district-level bargaining through its local education association, which, in turn, receives support from its regional WEA UniServ council. As previously mentioned, UniServ representatives typically provide advice and support to local associations during bargaining.

Management: Many school districts hire a professional negotiator to represent their interests in the bargaining process. Although the superintendent, school board president, or other district personnel may be involved at various stages of bargaining, the contract is generally not presented to the school board for consideration until the terms have been thoroughly discussed and most elements of a preliminary agreement have been hammered out.

Duty to bargain

Once a group of teachers has unionized, both the school districts and the union have a duty to bargain collectively under the requirements established in the Educational Employment Relations Act (EERA).[23] However, the scope of that duty is not the same for all subjects of negotiation. Subjects of collective bargaining are classified as mandatory or permissive. The more impact a subject has on terms and conditions of employment, the more likely it is to be classified as mandatory. The more a subject requires management discretion, the more likely it is to be classified as permissive. Some subjects are classified as prohibited and removed from the bargaining table altogether.

Mandatory subjects of bargaining are simply those that *must* be bargained. An employer may not make unilateral changes to a mandatory subject without providing the union with notice and an opportunity to bargain on the proposed changes. *Permissive subjects*, on the other hand, *may* be bargained, but the employer would not be subject to an unfair labor practice when

Agency Shop

Under an agency shop provision, employees who do not wish to join the union are still required to pay a "representational fee." This requirement is based on the idea that, as part of the bargaining unit, agency fee employees are still benefiting from the collective bargaining agreement and should pay their share for negotiating the agreement.

An agency shop fee and union dues are not the same thing. By law, agency fee payers may be compelled to pay only for union expenses that are essential (or chargeable) union functions such as contract administration, collective bargaining, and grievance adjustment.[1] The union must also provide agency fee payers with an adequate explanation of the basis for the fee (i.e., what expenses are supposedly "chargeable"), a reasonably prompt opportunity to challenge the amount of the fee before an impartial decisionmaker, and an escrow account for any amounts that are reasonably in dispute.[2]

1. See *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977)
2. See *Chicago Teachers' Union, Local No. 1 v. Hudson*, 475 U.S. 292 (1986)

making a unilateral change if the contract did not address the subject. *Prohibited subjects*, even if bargained, would be unenforceable as a matter of law.

Mandatory subjects of bargaining

Under the EERA, both parties have a duty to bargain in good faith in an effort to reach an agreement regarding wages, hours, and the terms and conditions of employment.[24] Even topics that do not clearly fall within these three categories *may* be mandatory subjects of bargaining. When conflict arises over whether a particular subject is mandatory or permissive, PERC decides the issue. In doing so, PERC balances the relationship of the subject in question to wages, hours, or the conditions of employment against the extent the subject is a management prerogative. Where a subject relates to the conditions of employment *and* is a management prerogative, the question to be answered is which of these characteristics is dominant.

Through court battles and PERC proceedings, mandatory subjects of bargaining have been held to include not only salary and length of the work day, but also these subjects:

- payment for after-hours parent conferences[25]
- leaves[26]
- insurance benefits[27]
- school calendar changes[28]
- discipline, promotions, and seniority preferences[29]
- just cause for dismissal standards and job security provisions[30]
- grievance procedures[31]
- union security provisions[32]
- employee evaluation criteria and procedures[33]
- management rights clauses[34] and
- safety and health rules and standards for employee conduct[35]

The fact that a particular subject falls within the mandatory category does not mean that the employer must agree to a union's proposal. So long as the employer meets with the bargaining representative and bargains in good faith, the employer is not required to make concessions or agree to any provision that might be detrimental to its academic program.[36] Instead, classification as a mandatory subject of bargaining means that neither party may unilaterally change the provision or the conduct at issue until an impasse is reached.

An employer may make unilateral changes in a mandatory subject of bargaining if the union waives its right to bargain on the subject. According to PERC, a waiver may occur where the language of a collective bargaining agreement gives the employer the right to make changes concerning one or more mandatory subjects while the contract is in effect, without providing the union with notice or the opportunity to bargain.[37] A contractual waiver must be knowingly and clearly made in order to be effective.[38]

PERC has held that an employer must maintain the *status quo* on mandatory subjects–wages, hours, and working conditions–after a collective bargaining agreement expires. If an employer wishes to make changes, it must notify the union before it makes the changes, and

Impasse

Impasse exists where, after a reasonable period of good faith negotiation, the parties have reached their final positions but remain at odds over one or more subjects of bargaining.

Once parties are at an impasse, any duty to bargain is temporarily suspended. Parties may seek resolution through a PERC appointed mediator, who will try to help the parties reach a mutually acceptable agreement. If mediation does not produce a settlement the parties may select a fact-finder, who will issue recommendations on terms of settlement. The parties are also free to agree on their own method of impasse resolution.

then bargain with the union in good faith.[39] The union will waive its right to bargain a mandatory subject if it has been notified of a proposed change and given the opportunity to bargain, but fails to negotiate the change or communicate its opposition.[40] For example, where a school district is forced to schedule a make-up day and the union has notice of the proposed date, it waives its right to bargain if it makes no objection to the selected make-up day until after the fact.[41]

Permissive subjects of bargaining

Management decisions that only remotely affect "personnel matters," and decisions that are primarily "managerial prerogatives," are permissive subjects of bargaining.[42] There is no duty to bargain over permissive subjects. Some districts, however, surrender their managerial discretion by bargaining in these areas. For example, decisions concerning curriculum and basic educational policy are to be reserved to the employer, and there is no statutory requirement for notice or bargaining.[43] The educational budget, including allocation of unexpected funds, is another permissive subject.[44] Because permissive subjects have significant impact on school management, districts should protect their authority to make educational policy decisions in these areas.

Even if a particular issue is a permissive subject, the employer may be required to bargain if the decision affects wages, hours, or terms and conditions of employment.[45] In such a case, the employer would have the right to make a unilateral decision, but must give the union an opportunity to bargain over the impact upon timely request.[46] For example, a school district is not required to bargain its decision not to rehire certain certificated employees following a levy failure.[47] However, the district will probably be required to negotiate how layoffs are to take place.[48]

> ***Even if a particular issue is a permissive subject, the employer may be required to bargain if the decision affects wages, hours, or terms and conditions of employment.***

The employer or the union may initiate negotiations of a permissive subject, but the other party is not obligated to bargain to impasse on the subject. In fact, it is an unfair labor practice for either party to bargain a permissive subject to the point of impasse.[49]

Once the collective bargaining agreement expires, employers are not required, to maintain the *status quo* on an employment practice that is a permissive subject of bargaining.[50] Rather, contractual provisions addressing permissive subjects expire with the contract that contains them. Significantly, if a contract contains a waiver of a mandatory subject, that waiver is itself a permissive subject.[51] For example, if a contract contained a clause that waived the union's right to bargain over the school calendar, that waiver would only be good for as long as the contract remained in effect. Once the contract expired, the district would again have to bargain any changes in the school calendar, unless it was able to negotiate a similar provision in the next contract.

Prohibited subjects of bargaining

Prohibited, or illegal, subjects of bargaining are "those matters which neither the employer nor the union have the authority to negotiate, because agreement would contravene applicable statutes or court decisions."[52] A party should not even propose that a prohibited subject be included in the contract.[53] PERC may order a party who has advanced a prohibited proposal to withdraw its proposal and to post notice that it will not make any further prohibited proposals.[54]

Few topics have been expressly prohibited from the collective bargaining process. One example of a prohibited provision is negotiation of a salary schedule that exceeds the amount authorized by the legislature.[55] (This is why "creative" methods are used to enhance salaries, such as supplemental contracts for more than 90 percent of Washington state teachers.) Another prohibited subject of bargaining involves contributions from the employer to the union, such as school district funding of a members' attendance at union functions without union reimbursement.[56] This type of financial arrangement is illegal. A union shop or closed shop agreement, in which every employee in the bargaining unit *must* join the union, would also be a prohibited subject of bargaining.[57] However, an agency shop, in which every employee in the bargaining unit must financially support the union even if not a member, is permissible.

Grievance

A grievance is usually defined as a misinterpretation or misapplication of contractual provisions or school district policy. This definition may be diminished or enlarged by the parties' collective bargaining agreement.

Some contracts define "grievance" broadly enough to include any dispute or disagreement, while others limit the term to violations or misapplications of contractual provisions.

The process by which grievances are aired and resolved differs by contract. Typically, a contract provides for an employee, group of employees, or union to furnish written notice of their grievance to the employer. The employer is required to respond within a given time frame. The grievant may appeal to another level of the employer's hierarchical structure if the response is not satisfactory. The grievance procedure may allow more than one appeal on a particular issue.

If the grievance is not resolved within the employer's authority structure, the parties may submit their dispute to third-party mediation or arbitration. A specific mediation or arbitration procedure is often included in the terms of the collective bargaining agreement.

Mediation

Mediation is the process that permits the employer and grievant to present the facts of their position to a neutral third party. In mediation, the suggestions of the third-party mediator are not binding. Rather, the mediator's role is to facilitate communication between the parties in order to resolve their dispute.

Binding arbitration

Unlike recommendations from a mediator, an arbitrator's decisions generally are binding upon the employer and the union.[58] Arbitration produces a binding settlement of the dispute instead of facilitating further discussion between the parties. An arbitrator may also provide an appropriate remedy, if a contractual violation has occurred.[59]

Unfair labor practices

An employee, union, or employer who believes another party has engaged in an unfair labor practice may file a complaint with the Public Employment Relations Commission (PERC).[60] If the facts as alleged in the complaint constitute an unfair labor practice, the case will be referred to a PERC examiner for a hearing.[61]

Unfair labor practices by employer

It is an unfair labor practice for employers to interfere with employees' rights to form a union, to join or refuse to join a union, or to bargain collectively. The employer may not encourage or discourage union membership by discrimination in hiring, granting of tenure, or employment conditions. It is standard practice to require employees to pay union dues or agency fees as a condition of employment, although requiring membership itself is forbidden.[62]

Employers may not interfere with the creation or management of a labor union. This includes contributing financially to the union,[63] even indirectly such as by paying for leave to attend union activities. A union and district are allowed to negotiate district payment for union leave as a part of their collective bargaining agreement.[64] Even if openly negotiated, the activities paid for by the employer should be limited to those involving that particular employer, and the union should reimburse the employer.[65] PERC may find a technical violation even where it merely appears the district has made an illegal contribution.[66] Therefore, a contract that provides leave for union activities should clearly state how the union will reimburse the district.

It is also an unfair labor practice for an employer to discriminate against an employee because he has filed charges against the district or given testimony under the Educational Employment Relations Act.[67] Where an employee can show that his involvement in protected activity was a motivating factor in his termination, the employer must then prove that the employee would have been terminated regardless of his activities.[68]

Unfair labor practices by union

Like the employer, the union may not interfere with employees exercising their rights to unionize or bargain collectively. Unions may, however, establish membership rules. In addition, a union may not restrain or coerce an employer in the employer's selection of its representatives for collective bargaining or grievance procedures.[69]

Further, a union may not cause or attempt to cause an employer to discriminate against an employee because of union membership or non-membership.[70]

Joint obligations

It is an unfair labor practice for either party to refuse to bargain collectively.[71] The duty to bargain in good faith requires both the employer and any exclusive representative to submit a written statement of any proposed language changes to the collective bargaining agreement, with a written or oral explanation of the proposal. Both the district and the union must also submit at least one written response to the opposing side's proposal.

Following the initial proposal and response, the parties' duties vary depending on whether the subject of the proposal is a mandatory or permissive subject of bargaining. If a union proposal addresses a permissive subject the district may assert in writing that the subject is permissive. The district is required to receive proposals on the permissive subject, but is not required to make proposals in response after it objects. Although the district cannot demand that the proposal be removed from the bargaining table until a legal impasse is reached, it does not have to agree to negotiate or discuss the subject.[72]

Common contractual provisions

Almost all collective bargaining agreements contain particular standard contract clauses, as well as language addressing unique circumstances of each district and its employees. Standard clauses usually cover at least the following subjects:

- **Union Recognition**: Contracts commonly recognize an exclusive bargaining representative and describe the representative unit.
- **Union Security:** Generally, contracts contain an *agency shop* provision, requiring all members of the bargaining unit to pay dues or an agency fee to the union. The districts' obligation to deduct dues or agency fees on behalf of the union will often be referenced in this clause.
- **No Strike:** Some contracts contain provisions prohibiting or limiting teacher strikes and providing remedies for any violation.
- **Management Rights:** Most contracts guarantee certain rights to the school district, such as control over establishment of educational policies and goals.
- **Association Rights:** Association rights clauses spell out the local union's right to use school facilities or equipment. Many contracts also provide teachers with leave for union business or release time for union officials.
- **Workday/Length of Academic Year:** In addition to stating the length of teachers' workday and academic year, these sections often provide for supplemental workdays.
- **Salary:** District salary provisions are tied to the state salary schedule, which is based on teachers' seniority and degree of educational training. The district may not spend more on teacher salaries in basic education than is provided through the state schedule, but districts typically increase compensation through separate contracts for additional time or activities. For example, districts often provide extra pay for a number of "supplemental days" outside the normal school year. Districts may also provide teachers with extra leave or paid professional training.
- **Conditions of Employment:** Contracts typically contain clauses that define employment conditions including hours of preparation time, condition of school facilities, and other matters of general employee concern.
- **Leave and Fringe Benefits:** Leave and benefits clauses will cover insurance benefits and various types of emergency and professional leave and may also contain association leave for union members.
- **Grievance Procedures:** These sections specify how grievances are processed within the employer's hierarchical structure. The parties may also contractually select a mediation or arbitration procedure for unresolved grievances.
- **Employee Evaluation**: These sections lay out the procedures and criteria for evaluating employee job performance. They may also discuss probation, non-renewal of employment contracts, evaluation files, and other related topics.
- **Just Cause**: Contracts may provide that discipline or discharge is permitted only for *just cause*. This places procedural requirements on a district's decision to discipline or discharge a teacher.
- **Voluntary and Involuntary Transfer**: The basis for the voluntary or involuntary transfer of a teacher may be specified by contract. These clauses will establish the terms for transfer such as seniority and notice requirements, and specify circumstances under which a transfer may occur.
- **Assignment and Reassignment of Duties**: These clauses provide the criteria and procedure for teacher assignment and reassignment. Such clauses generally provide reassigned teachers release time to prepare for their new assignments.
- **Layoff and Recall Procedures**: Layoff or reduction in force provisions usually call for employees to be selected according to the date of hire, with the last employee hired as the first to be laid off. Under contractual recall procedures, employees who are laid off are generally placed in a recall pool and given preference in later hiring decisions.
- **Vacancies**: A vacancy clause specifies procedures for announcement and filling of vacancies.
- **Academic Freedom**: Contracts may guarantee

academic freedom to teachers. Some contracts also specifically address teachers' introduction of a controversial topic and may reserve to the district the right to review the introduction of such topics.

- **Curriculum Selection**: Curriculum provisions specify who will select the district's curriculum, what selection criteria will be used, and how the selection may be challenged.
- **Class Size**: When contracts address class size, they define the size of classes allowed and may also provide for additional preparation, classroom staff, or compensation for classes that exceed the contractually defined standard.

Conclusion

The current collective bargaining process in our public schools has helped create a hostile environment among parents, teachers, administrators and lawmakers. In addition, the uniform treatment of all personnel required by the collective bargaining process too often saps teachers' creativity and productivity. It unnecessarily hamstrings administrators.

Reconsidering the role and content of collective bargaining is a necessary part of the reform efforts that must be implemented in order to deliver quality education opportunities to every student in our public schools.

Recommendations

A collective bargaining contract is just that: a legally binding contract. It should clearly state the rights and responsibilities of the parties involved. It is not a treatise on broad-based policy issues, nor should it contain vague goals or clauses intended to have no real effect. Every word and phrase should be examined carefully, remembering that it must stand up under the scrutiny of an independent arbitrator or judge.

The ultimate goal of school board members, administrators and their representatives must be to ensure that students are provided the best possible educational opportunities. To accomplish this, they must preserve necessary authority while adequately supporting employees. The union's interest is to ensure that employees' wages and hours are protected from arbitrary changes and that the terms and conditions of employment will enable the employees to work effectively. An effective contract will attempt to protect the respective interests of both parties, while allowing the district to achieve the ultimate goal of excellent education. It is always better to err on the side of providing and protecting excellent academic opportunities for students.

Changes in contract language must come about through the collective bargaining process. Because the process requires give and take from both sides, a school board wishing to remove a contract provision should carefully weigh the benefits and consequences of bringing up the subject. The trade-offs the union might demand for giving up its control in one area might be worse than the original situation. A school boardmay need to concentrate its efforts on those areas most detrimental to the education process, and compromise in other areas. The best course is prevention-an informed school board can guard against inserting detrimental contract language far more easily than it can get it removed.

The following criteria can be applied to any contract provision:

- Does the contract provision accurately reflect the applicable law? If the law allows flexibility, does any variation in the contract remain within the range allowed by law?
- Does the contract provision improve or hinder student learning by any modifications it makes to the rights and responsibilities of the parties?
- Does the contract provision prevent the school board from fulfilling its statutory responsibilities to the public, teachers, administrators, and students?
- Does the provision safeguard the individual rights of teachers as well as the rights of the Association?
- Does the provision support flexibility in seeking educational solutions and accountability for educational results?

For a full discussion of specific recommendations for contract language, please see the report, *Collective Bargaining in Public Schools: Turning the Focus to Students*, published by Evergreen Freedom Foundation. Recommendations include:

- The adoption of strong management rights clauses that explicitly list the rights reserved to the district.
- Protecting the right of qualified individuals to teach in the state of Washington without being forced to support a union and its policies.
- Providing clear protection for teachers' rights

against compulsory support of union politics.

- Limiting the use of *just cause* exclusively to discharge or nonrenewal of tenured teachers.
- Limiting the procedural barriers to effective teacher evaluation.
- Allowing teachers to be considered for retention or transfer based on their skill, experience, and education, rather than simply on seniority.
- Ensuring teachers and other employees have maximum flexibility and cost-effectiveness in their insurance carrier and plan.
- Instituting no-strike clauses with penalties for failure to comply.
- Making class-size decisions based on individual classroom needs, not on a one-size-fits-all plan.
- Eliminating contract provisions that relinquish school board authority over curriculum, education policy, and student discipline.

Endnotes

1. Bruce Zarahdnik, Tahoma School District, telephone conversation with Corrie White, EFF Research Analyst, 24 April 2000.
2. *Ibid.* Interest based bargaining generally requires the training of facilitators and others involved in the bargaining process. Due to employee turnover, this would be a continuous process. One school district that has recently begun using the interest based bargaining model stated that their initial negotiations of the plan took 25–30 days. Now that an interest based bargaining agreement is in place, the parties must still meet monthly and have regular contract support meetings.
3. Quoted by Tim Connelly, "Unions slap no confidence vote on CPSD boss," *Lakewood Journal*, 18 June 1999.
4. Taken from "Info for Journalists," http://www.wa.nea.org/NWSRM/ClvrPrk.htm, November 24, 1999. Printed copy on file with EFF. On the web site, these headlines appeared in reverse chronological order. They have been placed in chronological order for this study, as chronological order is standard for printed publications. Some duplicative headlines have been omitted.
5. The district administration pointed out that teacher placement decisions were made before the union negotiator was elected to his position. Colleen Pohlig, "Teacher Takes on Selah Schools Chief," *Yakima Herald–Republic*, 27 October 1999.
6. In the school board race mentioned above, one of the incumbent members lost his position to a candidate who had criticized the board for backing up district administration. Colleen Pohlig, "Selah School Board Incumbent Falls," *Yakima Herald–Republic*, 3 November 1999.
7. G. Gregory Moo, *Power Grab: How the National Education Association is Betraying our Children* (1999), p. 6
8. Quoted by John Fund, "Politics, Economics, and Education in the 21st Century," *Imprimis*, May 1998, p.5.
9. Quoted by Damon Darlin, "To whom do our schools belong?" *Forbes*, September 23, 1996, p. 66.
10. Debby Abe, "Wilson High School Drops 3-Period-Per-Day Schedule," *The News Tribune*, 6 June 1998; Debby Abe, "Wilson likely to drop 110-minute classes," *The News Tribune*, 17 May 1998.
11. Myron Lieberman, Charlene K. Haar, and Leo Troy. *The NEA & AFT: Teacher Unions in Power and Politics*, p.10.
12. *Ibid.*, p. 12.
13. *Ibid.*
14. See National Education Association, "Legacy," <http://www.wa.nea.org/Publicat/COMMUNIC/LEGACY.HTM>, p. 2
15. *Ibid.*, p. 3.
16. *Ibid.*
17. RCW 41.56.
18. RCW 41.56.030.
19. RCW 41.59.070. If employees are already represented by a union, only the union or the employees may file a petition concerning exclusive representation. The employer may not do so. See WAC 391-25-012 and 391-25-090.
20. RCW 41.59.080.
21. *Ibid.*
22. *Ibid.* See also WAC 391-35-010.
23. RCW 41.59.140.
24. *Ibid.* See also RCW 41.59.020(2).
25. *Clover Park School District*, Decision 6072-A (EDUC 1998).
26. *City of Clarkston*, Decision 3286 (PECB 1989).
27. *City of Dayton*, Decision 1990 (PECB 1984).
28. *Mukilteo School District*, Decision 3795-A (PECB 1992).
29. *City of Yakima*, Decisions 3503 and 3504 (PECB 1990).
30. *Peninsula School District No. 401 v. Public School Employees of Peninsula*, 130 Wn.2d 401, 924 P.2d 13 (1996).
31. *Clark County*, Decision 3451 (PECB 1990).
32. *Ibid.*
33. RCW 28A.405.100
34. *Pasco Police Officers' Ass'n v. Pasco*, 132 Wn.2d 450, 938 P.2d 827 (1997).
35. *City of Olympia*, Decision 3194 (PECB 1989).
36. RCW 41.59.020(2). Good faith involves a sincere desire to reach an agreement. *Pasco Police Officers' Ass'n v. Pasco*, 938 P.2d 27 (1997).
37. *Mukilteo School District*, Decision 3795-A (PECB 1992).
38. *Pasco Police Officers' Ass'n v. Pasco*, 938 P.2d 827.
39. *Clark County*, Decision 3194 (PECB 1990).
40. *City of Sumner*, Decision 1839-A (PECB 1839).
41. *Mukilteo School District*, Decision 3795-A (PECB 1992).
42. *International Association of Fire Fighters, Local 1052* v. *PERC*, 113 Wn.2d 196, 776 P.2d 1346 (1989).
43. *Wenatchee School District*, Decision 3240-A (PECB 1990).
44. *Federal Way School District No. 210*, Decision 232-A (EDUC 1977), *aff'd* King County Superior Court Cause No. 830404 1978).
45. *International Association of Fire Fighters, Local 1052*, 776 P.2d 1346.
46. *City of Clarkston*, Decision 3286 (PECB 1989).
47. *Spokane Education Ass'n v. Barnes*, 83 Wn.2d 366, 517 P.2d 1362 (1974).

48. *International Ass'n of Fire Fighters, Local 1052*, 776 P.2d 1346.
49. *Pasco Police Officers' Ass'n v. Pasco*, 132 Wn.2d 450, 938 P.2d 827 (1997).
50. *Seattle School District*, Decision 2079 (PECB 1984), *rev'd on other grounds*, *Seattle School District*, Decision 2079-C (PECB 1986).
51. *Ibid.*
52. *City of Burlington*, Decisions 5840, 5841, 5842, and 5843 (PECB 1997).
53. *Ibid.*
54. *Ibid.*
55. RCW 41.59.935.
56. *City of Burlington*, Decisions 5840, 5841, 5842 and 5843.
57. RCW 41.59.100.
58. *Yaw v. Walla Walla School District No. 140*, 106 Wn.2d 408, 722 P.2d 803 (1986).
59. *North Beach Education Ass'n v. North Beach School District No. 64*, 31 Wn.App. 77, 639 P.2d 821 (1982).
60. WAC 391-45-010.
61. WAC 391-45-110; 391-45-130 and 391-45-270.
62. RCW 41.59.140(1)(a), (c).
63. RCW 41.59.140(1)(b).
64. *State ex rel Graham v. Northshore School District*, 99 Wn.2d 232, 662 P.2d 38 (1983). Employers may also permit employees to confer with the employer during work hours without loss of time or pay. See RCW 41.59.140(1)(b).
65. *City of Burlington*, Decisions 5840, 5841, 5842, and 5843 (PECB 1997).
66. *North Thurston School District*, Decision 4765-B (EDUC 1995).
67. RCW 41.59.140(1)(d).
68. *International Ass'n of Fire Fighters, Local 1445 v. Kelso*, 57 Wn.App 721, 790 P.2d 185 (1990).
69. RCW 41.59.140(a).
70. RCW 41.59.140(2)(b).
71. RCW 41.59.140(1)(e), (2)(c).
72. WAC 391-45-552. This does not mean that the parties are required to bargain permissive subjects to impasse. No further response needs to be made to the proposal addressing the permissive subject of bargaining.

CLASS SIZE

CLASS SIZE

Does it Matter?

Comprehensive class size reduction has captured the attention of parents, policymakers and educators. In 1999, President Clinton succeeded in getting Congress to agree on a "down payment" toward a $12 billion initiative to hire 100,000 new teachers to reduce the nation's average pupil-teacher ratio to 18 students per teacher. In the 2000 elections in Washington, more than 60 percent of voters passed an initiative advertised to reduce class sizes. Nearly every state in the union is grappling with this issue.

According to the National Education Association (NEA), the nation's largest teacher union, "excellence in the classroom can best be attained by small class size."[1] These sentiments are echoed by numerous parents, legislators and community leaders who have been involved in class size reduction efforts.

Why is class size reduction such a popular education reform issue? Parents like it because they believe it will allow more one-on-one instruction for their children. Teachers like it because their workload is decreased and it has the potential to reduce discipline problems. Politicians like it because it offers a simple, popular, easily measurable (and observed) education reform initiative. Unions like it because they get more members (smaller class sizes mean more teachers). In short, class size reduction appears to have something for everyone–except students.

For students, class size reduction fails to live up to its promise to increase academic achievement. In fact, it is among the most expensive and least effective education reform options and, as with any investment, resources need to be put where a good return is most likely.

Many education groups, including the Department of Education, claim that research on class size reduction "points more and more clearly toward the beneficial effects of reducing class size" to improve student achievement.[2] Other sources suggest an entirely different pattern of evidence. According to the National Conference of State Legislators, more than 1,100 studies examine the relationship between class size and student achievement, yet no definitive conclusions have been reached.[3] *Education Week* regularly reports the deep divisions among scholars concerning class size reduction results.[4]

Other research suggests that studies linking increased student achievement and class size reduction efforts have been unsound.[5] Critics maintain that after isolating and evaluating co-existing influences, evidence suggests that most class size reduction efforts offer no significant increases in student learning unless the pupil-teacher ratio reaches tutorial levels.[6]

The data on class size reduction

National trend data

As unbelievable as it seems, national trend data supports the argument that class size reduction, ***by itself***, will not improve student achievement. Class size trends from the '50s to the '80s provide no evidence of a significant relationship between student achievement and class size.[7] Compare the 1950s national average teacher-pupil ratio of 30 to 1 with today's average of about 19 to 1 (actual class size averages 23 students per class.[8,9] From the 1970s to 1996 class sizes have fallen nearly 25 percent.[10]

Meanwhile, over the last three decades, public education spending has increased by at least 61 percent above inflation with much of those funds going toward the hiring of new teachers.[11] Yet few would argue that there has been a corresponding increase in student learning.

Advocates of class size reductions maintain that these trend data ignore negative social factors, such as increased numbers of single parents and the corresponding levels of poverty, which have changed the face of education over the years. Yet these critics fail to point out the many positive social factors gained during the past few decades, such as increased K-12 funding and higher parental education levels, which we are told are precursors to improved student test scores. (Data also indicate that no more than one-third of the drop in the pupil-teacher ratio can be attributed to the increase in special education populations who tend to require smaller classes and greater individualized attention).[12]

International trend data

Like the national data, international trend data suggest a further look is warranted before class size reduction measures are adopted. Nations with far larger class sizes than those found in the U.S. are experiencing significantly higher student achievement. For example, the average academic scores of eighth graders in Korea and Japan are noticeably higher than those of U.S. students. Yet thirteen-year old students in Korea and Japan learn in average class sizes of 49 and 36 respectively.[13]

Actual class size averages in the U.S. and Japan are quite different due to the way schools in the two nations prioritize and organize academic disciplines and instructional practices.[14] We are not suggesting that American schools ought to adopt a Japanese or Korean instructional model. Teachers must instruct large classes (often exceeding forty) to ensure that schools can still provide students with art, music and computer instruction.[15] But the academic success enjoyed in countries where classrooms are brimming over with students suggests that the ***key*** factor for student achievement is something other than smaller classes.

Despite the evidence forwarded from national trend data and international comparisons, class size reduction advocates are not cautious or dissuaded. Many states have already invested heavily in reducing class size, with more states promising to follow. Examining the results of a few of the more prominent of these experiments helps provide perspective as to the wisdom of class size reduction policies.

Tennessee's STAR experiment

In 1985, Tennessee began a four-year study of the effects of class size reduction on kindergarten, first, second and third grades. In relative terms, Project STAR (Student-Teacher Achievement Ratio) was to be a controlled experiment designed to provide reliable, scientific evidence on the effects of class size reduction. The project was inspired by earlier research indicating student achievement was roughly constant until class size was reduced to 15 or fewer pupils per teacher.[16]

More than 300 classrooms in 79 schools totaling 7000 students participated in the program. Assignment of students and teachers to classrooms was random. STAR compared smaller classes (13-17 students) with normal-sized, larger classes (22 to 26 students) both with and without an instructional aide in the larger classes. To control for possible differences in school quality, every participating school had at least one of each type of class (a class of 13 to 17 students, a class of 22 to 26 students without an instructional aide, and a class of 22 to 26 students with an instructional aide).[17]

The results of the STAR experiment led many class size reduction advocates to conclude that STAR had "definitively" proved that "bringing class size down in the primary grades in and of itself has positive effects on student achievement in all subject areas."[18] Initial results revealed that students from smaller classes outperformed students from larger classes and that smaller classes had significantly less student retention and improved assessment of special education needs.[19]

Performance of students participating in STAR was followed for several years after the program. Test scores indicated that students from smaller classes significantly outperformed students from the larger classes in all academic subjects. These results led Tennessee to implement class size reduction in 16 of the state's poorest schools in a program called "Project Challenge." These schools experienced an increase in their ranking compared to other school districts on statewide student achievement tests.[20] Unlike Project STAR, however, Project Challenge was not a controlled experiment.

Despite these seemingly clear cut results, researchers remain divided on the effectiveness of comprehensive class size reduction, especially since a closer examination of the STAR experiment suggests that its results are not as conclusive as is commonly believed.[21]

A review of the available STAR data, which has generally not been available to researchers,[22] was conducted by Eric Hanushek, Professor of Economics, University of Rochester. Professor Hanushek observed that many advocates of class size reduction report the STAR project showed that small classes led to improved student achievement in each grade. *The data, however, showed no significant cumulative achievement in students who remained in small classes,* leaving researchers to wonder why learning gains did not accumulate from year to year.[23]

Gains were made by students who began their initial grade (kindergarten or first grade) in a small class. Evidence obtained from the STAR experiment and its follow up studies suggests that, although these first-year, one-time gains remained with these students, no increase in subsequent years occurred. This was true even when students remained in small classes.[24] If class size reduction changed the aggregate rate of student learning, students remaining in small classes would advance above their counterparts each year.[25] This first-year gain in student achievement may reflect a one-time acquisition of social and learning behaviors useful to students in subsequent years.[26]

Evidence obtained from the STAR project supports only targeted class size reduction . . . comprehensive class size reform would likely be an inefficient use of scarce resources.

Professor Hanushek cited numerous potential problems with the experiment (such as the reassignment of some students due to parental pressures[27]) and warned against concluding too much based on the STAR experience. He further observed that the STAR study has never been replicated and remarked that, although such experiments [class size reduction] are expensive, they are far less expensive as a demonstration project than the potential costs of an across-the-board policy of class size reduction, especially if the sweeping policy change is based on faulty or incomplete data.[28]

Contrary to those who believe that the STAR project conclusively proved that comprehensive class size reduction efforts will improve academic achievement, Professor Hanushek concludes that evidence obtained from the STAR project supports only targeted class size reduction, and that comprehensive class size reform would likely be an inefficient use of scarce resources.

Professor Hanushek's interpretation of the STAR data can be summarized as follows:

The most expansive conclusion that can be reached from Project STAR and the Lasting Benefits Study is that they might support an expectation of positive achievement effects from moving toward small kindergartens, and maybe small first grades. None of the STAR data support a wholesale reduction of class sizes across grades in schools. The achievement results also come from large reductions (one-third of the existing regular class sizes) that take the small classes to quite low levels compared to most existing situations (15 students per class). It does not provide evidence about what might happen with smaller changes that take class sizes down from the current levels to levels above the Tennessee experiment, say, 18-20 students. (Remember that the original motivation for Project STAR involved research results suggesting no effects for class sizes above 15 to 1).[29]

Other state experiments in class size reduction

Tennessee's STAR experiment is the most significant in terms of class size reduction, particularly since it was designed with some controls to measure the effects of class size reduction as an independent variable. But the experiences of other states are also instructive. Wisconsin and California are currently experimenting with reduced class size.

Wisconsin's class size reduction program, called the Student Achievement Guarantee in Education (SAGE), was enacted and financed as part of Wisconsin's 1995-97 state budget.[30] The objective for Wisconsin's program was to target class size reduction in kindergarten through third grade in schools serving low-income populations. The program was intended to reduce class sizes in targeted schools to a student/teacher ratio of 15 to 1 or less. Unlike STAR, however, SAGE was not designed to directly compare classes targeted by the program with control classes not involved in the reforms. In fact, SAGE reforms went beyond class size reduction.

The effect of the class size reform has not been measured as an isolated variable.

Under the SAGE program, reductions in class size were accompanied by additional changes including a revised, rigorous academic curriculum, professional development, and accountability initiatives.[31] Schools participating in the SAGE program are also "required to embrace the "lighted schoolhouse" concept" which requires that schools provide family, student, and community events from very early in the morning until late in the evening.[32]

Preliminary reports in the December 9, 1997 *Milwaukee State Journal* suggest that this approach was successful in raising test scores, particularly for minority students. But the degree to which class size reduction alone is to be credited with these improvements remains unknown,[33] and because SAGE reforms targeted specific populations, results of the reform may not be generally applicable. Thus, when SAGE is used as an example of the positive effects of class size, it is important to remember that the reduction of class size under the program was only one of several significant alterations. The effect of the class size reform (or any of the other reforms) has not been measured as an isolated variable. As a result, one cannot assume that any increases in student learning are due to class size reduction alone—or that these increase would not have been achieved without reducing class size.

California is also experimenting with state-wide class size reduction efforts. In 1996, inspired by the reported success of Tennessee's STAR report, California lawmakers set up a program to implement class size reduction in grades K-3 throughout the state. They are aiming for a ratio of twenty students to one teacher. California's Class Size Reduction Program mandates that top priority be given to first grade, followed by second grade and then third grade or kindergarten.[34]

The California experiment extends well beyond any state's previous experimentation with class size reduction. The scale of the experiment dwarfs the STAR program and is based on assumptions that lay outside the realm of the available STAR data.

For example, STAR data suggested increases in student learning occured at the *earliest* grade, but California's program prioritizes kindergarten *after* first, second and third grades. Also, Tennessee's STAR program, largely carried out by experienced teachers, did not create teacher shortages. On the other hand, California's plan (requiring extra classrooms with a teacher in each room) has created a severe teacher shortage resulting in the hiring of many inexperienced teachers. This practice is likely to negatively impact the possibilities for increased student achievement.

Another significant difference: Small classes for the STAR experiment were approximately 15 students per teacher. California's "small" classes of twenty pupils per teacher better resemble the large classes of the STAR experiment. So, though STAR provided no evidence that a reduction to twenty students per teacher would improve student learning, California has set twenty students per class as its target size.

California appears to be gambling its educational resources on unfounded extrapolations of already optimistic conclusions on class size reduction. Since California began making massive expenditures on class size, it has been reported that test scores have improved slightly, but whether or not reduced class size is the cause of these modest gains remains unknown.[35] Furthermore, allegations of test fraud and teacher incompetence have made headlines in California newspapers for the past several years, with the blame placed on the push to decrease class sizes before enough qualified teachers were in place. Some researchers contend that California could have improved student achievement using other methods for a fraction of the cost.[36]

Class size reduction experiments in other states have yielded inconclusive and/or unsupportive evidence as well. For example, the Nevada Department of Education's "1993 Class Size Evaluation Study" determined that "achievement levels remained about the same when small classes were compared with larger classes."[37] During the 1980s, in Austin, Texas, sixteen schools were given $300,000 a year for five years which was used to reduce class sizes. After five years, fourteen of the schools had failed to improve student test scores or attendance, while two schools posted significant improvements in student test scores. The two schools that improved student achievement implemented a number of reforms in addition to a reduction in class size, including intensive teacher training and rigorous academic standards. Whether or not reduced class size was a significant factor in the improved student performance in the two successful schools is uncertain.[38]

The uncertainty of class size reduction results coupled with the modest gains attributed (justly or unjustly) to these efforts leave many questions unanswered. For example, even if one assumes that reducing class size improves student achievement, do the benefits justify the costs? Also consider that the STAR experiment reduced classes to an average of fifteen pupils per class, a rate lower than many policymakers are proposing. Still, many researchers considered the actual improvements in test scores to be questionable or modest.[39]

The Costs of Class Size Reduction

Class size reduction faces numerous obstacles to its implementation. Although the concept (having fewer students per teacher) is simple to understand relative to other education reform possibilities, implementation of class size reduction is far more complex than a mere allocation of dollars.

After evaluating effectiveness, the first factor to consider regarding class size reduction efforts is cost. But monetary costs cannot be considered in a vacuum. The costs of class size reduction must be compared to its benefits. The opportunity costs of choosing class size reduction over other education reforms must also be examined. For example, one must consider if the resources spent on class size reduction would be better spent on another type of reform. Comparing the costs and benefits of different types of reform will require reliable research on education reform options. Investments of resources must be made carefully, not only for the sake of the taxpayers who foot the bill, but for the students whose educational opportunities are at stake. Additional investment alone does not always improve student learning or achievement.

Class size reduction is among the most expensive education reform options, and costs must be calculated using a number of factors, including:

- *Initial average class size.* The larger the drop to "small" the greater the cost.
- *Imposition of a rigid cap, or flexibility in the number of students per teacher.* A rigid cap will increase the cost by decreasing the final average class size. Schools will keep numbers lower than necessary to ensure staying below the cap. (For example, if schools only receive class size reduction funding for staying below 17 students per class, it is likely that schools will remain at 15 or 16 per class in case of a student transfer. Therefore, rigid caps are likely to increase the costs of class size reduction by creating a need for classes to be even smaller than mandated.)
- *The cost of teachers hired for class size reduction.* Costs vary depending on the experience level of the teachers hired. Teacher costs increase as teachers move up the salary ladder, but experienced

teachers are valuable. (The costs of teacher support may also need to be factored in.)

- *The cost of providing new classrooms.*
- *Added operational costs, such as costs for utilities, custodial and clerical services.*
- *Potential cost offsets, e.g., due to less grade retention.*[40] (If fewer students are held back or sent to special education services, taxpayers would save on the extra costs of those students.)
- *Method by which class size is implemented (year-round schooling, block scheduling, etc.).*

The enormous financial commitment inherent in class size reduction can be readily observed through the California example where legislation mandates twenty or fewer pupils per teacher. The actual per-pupil costs vary by district from $0 to $1000 excluding facilities and staff development costs.[41] Continuing costs for the program *start* at $1-1.5 billion every year with costs steadily rising as teachers' salaries climb due to experience.[42] Yet the monetary price tag of class size reduction is not the only cost to consider.

The opportunity costs of class size reduction versus its benefits are immense. Before committing to reductions, policymakers should consider if the required money spent might have greater effect if it were invested in better curricula; rigorous academic standards; teacher training; or technology. Money spent on class size reduction cannot be recovered for other areas of educational reform that may be better suited toward improving student learning. This is particularly disturbing when considering that *teacher quality is a more important factor in increasing student learning than is class size.*[43]

Teacher quality is a more important factor in increasing student learning than is class size.

Related implementation obstacles to class size reduction

As already noted, cost alone is not the only problem facing class size reduction policies. Other implementation obstacles loom large. Class size reduction leads to the need for more facilities, which in turn increases the need to hire more teachers. However, as one superintendent of a school district near Houston remarked, "The fact that there's more money [for class size reduction] doesn't mean there are more teachers."[44]

Already some states are finding it difficult to obtain qualified, knowledgeable teachers. Policymakers, already struggling to find ways to ensure that teachers are qualified, will face shortages as classroom sizes are reduced. Unless ways are found to find and hire qualified individuals, these shortages can lead to the increased hiring of unqualified teachers.[45]

Portable classrooms, new schools, and/or adding rooms to existing facilities require additional resources. These facilities also increase utility and maintenance costs. Furthermore, these additional costs do not affect all schools equally. Some schools may have additional facilities readily available. Some may already have small classes. On the other hand, some schools may experience extreme difficulty obtaining additional facilities (particularly in urban areas).[46]

A number of other questions arise. Will reduction policies target certain types of classes first? Will team teaching count as a reduced class? If experienced teachers have better capabilities to handle large classes, will they be last to experience smaller classes? Class size reduction is a much more complex issue than it appears at first glance. Comparing the costs and complexities with the uncertain return indicates that comprehensive class size reduction is a weak strategy for meaningful education reform. Nevertheless, class size reduction remains politically popular.

Would class size reduction help anybody?

Evidence that reductions in class size may have a positive effect is strongest in the primary grades.[47] Data collected from the Tennessee STAR experiment suggest that this benefit is achieved in the initial small kindergarten or first grade class a child attends.[48] The evidence also indicates that, because benefits to reduced class size have not proven to be cumulative, providing additional grades (above the first grade) with reduced class size may have no significant positive affect on student learning.[49]

Effectiveness may also depend on the extent of the drop in class size. STAR classes dropped by about a third to an average size of 15 students per pupil and registered modest gains, while some proposals offer class size reductions of only a student or two, with average class sizes remaining significantly larger than 15. Minor reductions in class size are likely to be an ineffective and expensive means of improving student achievement.[50]

Aside from the first couple of grades, certain student populations seem to be more affected by reduced class size than others. Disadvantaged students and minorities seem to be more sensitive to class size variation than other students.[51] (This does not necessarily mean that these students would not be better served by another reform.[52])

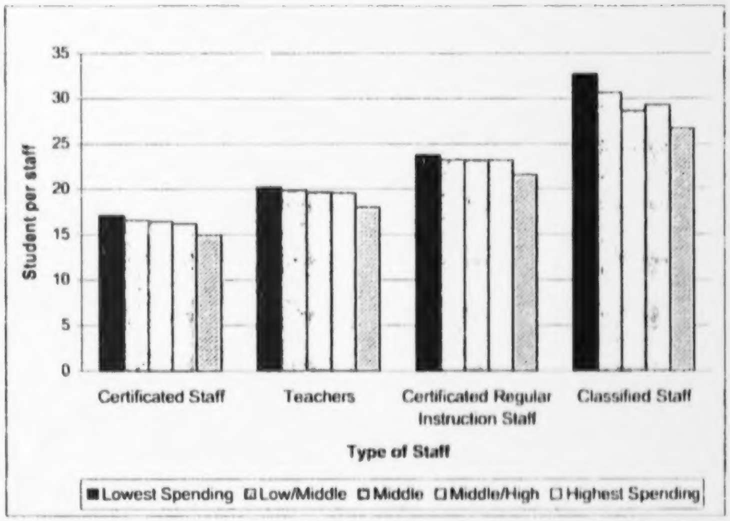


Chart CS-1: Student-staff ratios decrease with increased per-pupil spending level, regardless of how ratio is measured. Source: Joint Legislative Audit and Review Committee, *K-12 Finance and Student Performance Study,* Appendix 7.

Definitions

Certificated Staff: All teachers, administrators, and other staff with a certificate.
Teachers: Certificated teachers, regardless of type of school or subject.
Certificated Regular Instruction Staff: Certificated staff providing instruction in the basic education program
Classified Staff: Any staff without a certificate, regardless of function.

Washington state gets smaller classes . . . maybe.

Currently, Washington state law provides schools with funds to provide, at a minimum, one teacher for every 20.4 students and, at a maximum, one teacher for every 18.42 students. Washington's *actual* pupil per teacher ratio is among the highest in the nation at 20.32 pupils-per-teacher.[53] But it should also be noted that our state's pupil-per-teacher ratio has been steadily falling. In 1976 Washington's average was 23.21 pupils per teacher.

Of further interest is the fact that the pupils per total instructional staff ratio is dramatically different from the pupil-per-teacher ratio. Washington's official pupil-per-teacher ratio is about 20.32 pupils per certified teacher; 16 students per certified staff member. Yet, according to the National Education Association, the *actual* average class size in Washington state is more than 28 pupils per teacher.[54] This is because pupil-teacher ratio is not necessarily the same as actual class size. The truth of the matter is, ***data for actual class size is not kept in our state, so the actual average class size is unknown.***

That pupil-to-teacher ratios do not always accurately reflect class size is due to the accounting formula used for non-teaching certified staff (such as librarians and counselors). Another reason may be found in class scheduling. For example, if a school has a 22-to-1 pupil-to-teacher ratio, the school may be able to hold class size down to 15 students in reading classes by scheduling larger classes in a less intensive discipline. Further illustration of the point may help clarify the issue.

Under current state law, an elementary school of 300 students would be provided a minimum of 15 certified instructional staff. If every teacher were an in-class instructor, the school's actual class size would be twenty students per class. But if the school used the funds to provide two out-of-class instructors, say a librarian and a counselor, the teacher-to-student ratio would technically remain 1:20 but the actual class size would be 23 students per in-class instructor (assuming all classes are of equal size). Regardless, **no significant improvement in student learning occurs until class sizes are reduced *far* below this level**—which could require nearly ***doubling*** the resources currently allotted to K-12 public education.

Although pupil-to-teacher ratios and actual class size rankings receive a great deal of political attention, the real value of these measures should be weighed against their effect on student achievement. This effect, according to the evidence explored here, is, in most circumstances, likely quite minimal.

In fall of 2000, more than 70 percent of Washington state voters said "yes" to I-728 touted as a class size reduction initiative. The official ballot title, however, was "Shall school districts reduce class sizes, extend learning programs, expand teacher training, and construct facilities, funded by lottery proceeds, existing property taxes, and budget reserves?"

Effect of Initiative 728

- During the 2001 fiscal year, half the lottery revenue is forwarded to the new Student Achievement Fund and half to the Education Construction Fund. During the following two fiscal years, 75% of lottery proceeds will go to the Student Achievement Fund and 25% to the Education Construction Fund. Beginning July 1, 2004, all lottery revenue will go to the Education Construction Fund.
- 75% of revenues in excess of the Emergency Reserve Fund limit (the limit is an estimated 5% of annual General Fund revenue) will go to the Student Achievement Fund until Washington per-student education funding reaches 90% of the national average. After reaching 90% funding, these transfers will only be made as necessary to maintain that level of funding.

According to the initiative, money from the "lottery proceeds, existing property taxes, and budget reserves" would be placed in smaller funds outside the general fund, thus exempting them from the state spending limit (I-601).

With passage of I-728, lottery revenue that has for years been deposited into the state general fund for education now goes directly to smaller education-related accounts: the Student Achievement Fund and the Education Construction Fund. A portion of proceeds from the state property tax equal to $140 per full-time equivalent student in 2001 and increasing to $450 per FTE student in 2004 (at the rate of inflation thereafter) is also forwarded to the Student Achievement Fund.

Money in the Student Achievement Fund is distributed directly to school districts where officials may decide how best to use the funds within certain limitations, but not necessarily to reduce class sizes. While the district could use its Student Achievement Fund allocation to reduce K-4 class sizes or reduce the size of select 5-12 classes, it can also spend that money to provide extended learning opportunities, compensation for teachers' professional development and extended contracts, pre-kindergarten, and school building improvement.

Conclusion

Concern about the condition of our public school system has not dissipated over the last decade and a half. Parents, policymakers and educators remain desperate to improve public education, and despite the expense and limited success of class size reduction, it remains a popular solution.

The primary harm inherent in comprehensive class size reduction efforts is in the opportunity cost of the expended taxpayer funds and the energy of the individuals involved. For some students, class size reduction may offer increased potential of achievement. It may also offer teachers more time and less stress. But as a comprehensive attempt at increasing student achievement, it has little, if any, demonstrable positive effect. Because the results of class size reduction efforts are negligible, the considerable resources (human and financial) are mostly wasted. More worthy, but more controversial efforts, such as improving teacher quality, are not pursued.

Policymakers need to ask themselves how they can make the best, most effective, use of limited resources. Numerous reform options are available. It is important to remember that schools will vary in strengths and weaknesses, so a one-size-fits-all strategy is likely to be inefficient. Decisions are best made locally, school by school, class by class, teacher by teacher. If children are to be well-educated, we must be willing to focus on practices and models that are successful for students.

Recommendations

- ***Decisions regarding how many students should be in each classroom ought to be made by local schools.*** The appropriate number of students will vary depending on the age and preparedness of the students, the subject matter, the experience level of each teacher, and the instructional delivery model of each school.
- ***Class size reductions must be part of a larger plan*** that also identifies or provides for increased teachers, facilities and related costs such as costs for utilities, custodial and clerical services.
- ***Demonstration models, with objective evaluation criteria, should be completed first,*** before making expensive system-wide class size reductions.
- ***The legislature should commission a review of a representative sample of school districts to determine how the I-728 funds are actually spent.*** A public report should result.

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SCHOOL CONSTRUCTION

BUILDING A BETTER SCHOOLHOUSE

When it comes to building a better mousetrap, inventors aren't so much concerned about how it looks, but about how it works and how much it costs. The same principle should apply to the buildings where children receive their education.

"As thousands of students return to school for the 2002-2003 academic year, administrators . . . are whipping out their calculators and studying where to put reams of students now and in the future," writes the *Tacoma News Tribune.*[1] In various pockets around Washington, there is a growing need to increase the number of classrooms and school buildings to accommodate an expanding student population.

Fortunately for school administrators, placement for pupils now and in the future may not be as arduous a task as they expected. Fortunately for taxpayers, the exorbitant bill they would normally foot for the construction of a new school may be significantly reduced. In fact, a number of options are available for the acquisition of new, more efficient classroom space. In a report card on the state of school facilities, the American Society of Civil Engineers awarded a D-minus to the nation's schools.[2] According to the National Clearinghouse for Educational Facilities, 2,400 new schools will need to be built by 2003 in order to meet the demands of a growing student population,[3] and of the 86,000 public schools in the United States, 59,400 need renovation or modernization.[4] The price-tag may be as high as $268 billion, if financed through traditional bonds.[5]

In Washington, it is estimated that 89 percent of schools need to renovate their building or construct a new one.

In a traditional bond finance plan, the school district must purchase land and pay the costs of lobbying voters for a bond referendum. If the referendum passes, the revenue from property taxes is earmarked for the construction of new schools or the renovation of existing buildings.

Washington state's challenge with school construction has become more pressing than most other states. In Washington, it is estimated that 89 percent of schools need to renovate their building or construct a new one.[6] The size of the median high school is nearly 1,600 students.[7] Four high schools in Washington have enrollment exceeding 2,000 students:[8] Battle Ground High School, 2,059; Auburn High School, 2,343; South Kitsap High School, 2,094; and Marysville-Pilchuck High School wins the largest school award with 2,764 students.

For years, there has been statewide demand to reform the way schools are built. This is due, in part, to our reliance on using timber harvest revenue off state school trust lands to pay for the state's portion of school construction. The Washington state Constitution establishes the Common School Construction Fund that continued to be a sufficient source of funding through the 1980s.[9] Revenue from this source has fallen from 61 percent in 1985 to around 30 percent today,[10] due in great part to the Endangered Species Act and the ban on the export of raw logs.[11] Although lumber prices have risen over the past decade, the ability of sales to keep pace with demand has diminished. As a result, the local property tax burden has been driven up to pay for expensive school construction bonds.

In 1995, many of Washington's leaders in business, education, and construction—including the American Institute of Architects, Associated General Contractors, Washington Association of Maintenance and Operations Administrators, Council of Education Facilities Planners, Washington Association of School Business Officials, and Washington State School Directors Association—signed a resolution to the legislature to "establish or facilitate innovative funding methods."[12] In 1998, King County Executive Ron Sims appointed a panel to give recommendations to the legislature for "speeding up and streamlining the way we now finance local school construction." The Executive's Task Force on School Construction Financing Alternatives recommended "long-term lease purchase agreements [that] would provide an option to the traditional construction process by enabling districts to quickly respond to explosive enrollment growth and changing student demographics with fewer up-front costs."[13]

Innovative solutions used elsewhere around the country are public-private partnerships for school construction. In a report for the Virginia-based Thomas Jefferson Institute, David Guhse writes, "Based on the experiences of school districts around the country, it is increasingly clear that no school district with unmet school construction, expansion, and renovation needs can afford to ignore the option of public/private arrangements to address all or part of their comprehensive infrastructure plan."[14] With hundreds of successful public-private partnerships in schools around the country, there is plenty of proof with which to assess its potential for prospective school district projects in Washington state.

School board members may not be aware that there is a provision in the Economic Growth and Tax Relief Act of 2001 allowing the creation of tax-exempt, private activity bonds to be used in the construction of public school facilities.[15] Because of this new tax code policy, school districts can create agreements with private sector investors to finance the construction of school buildings. Once the construction of facilities is completed, the school district may lease them from the investors at rates far below typical costs of full public ownership.

A Pennsylvania firm specializing in these partnerships, Stainback Public-Private Real Estate, says, "One of the great qualities of the public/private partnership approach to real estate is the ability to customize deal structures to meet the constraints and opportunities of both the public and private partner."[16] There are several forms of alternative construction financing that can be tailored to fit the needs of school districts.

Municipal/Capital Lease

One alternative construction method is a "municipal/capital lease" plan, where a private party agrees to construct a new building and own it for a typical period of 25 years. When the lease term ends, school districts may pay a token amount for the purchase of the facilities. A similar plan may be used for the renovation and upgrading of deteriorating or inadequate facilities. The school district will sell its property to a developer who completes the renovation efforts. Then, the developer will lease it to a foundation established by the district. In the long run, a school district can look forward to savings of anywhere from 5 to 10 percent.[17]

When the Niagara City School District in upstate New York became interested in public-private partnerships, it was blocked by New York law. The district convinced legislators that such partnerships were a worthy investment, and an exception was made for the district. In only 18 months, a developer had completed construction saving nearly $12 million. Today, the school district leases its building, including funding for facility maintenance, for $5 million per year. In 2030, the district will plan to purchase the building for one dollar. Nearby school districts, envious of the results in Niagara, have begun to make appeals to the legislature for additional exceptions to the state law.[18]

Another state that changed its laws in order to allow public-private partnership is Texas. In 1996, the Independent School District of Houston was in need of two new high schools, but its bond referendum failed at the polls. Superintendent Rod Paige, now U.S. Secretary of Education, pushed for new private financing solutions. The school district made a municipal/capital lease agreement with Gilbane Building Company that resulted in the construction of Cesar Chavez High School and Westside High School one year sooner than originally planned, with savings of $20 million.[19]

The Canadian province of Nova Scotia implemented several municipal/capital lease plans in response to its declining economy in 1997. Nova Scotia negotiated with its investors to pay only 85 percent of the lease, but to allow the developer to retain ownership of the building to rent it out to child-care services, higher education night classes, tutoring, community events, and religious groups. According to Nova Scotia's Ministry of Finance:

> The key objective is to enable Nova Scotia taxpayers to get better value for their tax dollars by shifting the responsibility for the operation and/or financing of non-core activities to the private sector. In the process, the potential exists for service to improve within the same public expenditure framework, or for the same level of public service to be provided at a lesser cost to the taxpayers.[20]

Within four years, 22 new schools had been opened in Nova Scotia, and 11 more are in the works.[21]

Operating Lease

A second model of public-private school construction partnerships is an "operating lease" plan. In this case, as in the municipal/capital lease plan, the developer constructs and owns the facility for a 25-year period; however, using this plan, the lease is classified as a security to the developer. The school district may be without the option to purchase the property for a token amount at a later time. Instead, the district's ownership payment for the school building will accumulate as the lease is paid. Because lease payments contribute to eventual ownership, the interest remains taxable. Even so, the school district stands to save 10 percent to 15 percent in the long run.[22]

District of Columbia Public Schools did not experience the opening of a new school from 1981 until 2001. In 1995, the district was planning to shut down James F. Oyster Bilingual Public Elementary School because the costs of renovation were too severe.[23] Then, some innovative parents initiated a bold new public/private partnership that turned a negative into a long-lasting positive. The parents commissioned a developer to finance, design, and construct a new school building on the same property as the old one. Since the district was unable to underwrite the costs of construction, the developer agreed to exchange the construction of Oyster Elementary for district-owned property adjacent to the school. The developer built a 211-unit residential apartment building, the property taxes for which are fully designated for payment of the $11 million construction bond.[24]

District of Columbia Superintendent Paul Vance reflected,

> The bottom line is that we in the D.C. Public Schools see [public-private partnerships] as an opportunity and valuable tool in the arsenal of school facility improvements and accommodation of educational program needs.[25]

Service Contract

A third way school districts have renovated school facilities is through a "service contract" structure. Should the school district wish to conduct the upgrade without selling its property, it may contract out to a private contractor who agrees to operate and maintain the school during renovation, for a set period of time. The contractor funds the renovations using private, tax-exempt debt, and is reimbursed for capital costs and interest and compensated for services.[26]

The school board in Greenville County, South Carolina had once planned to spend $1.8 billion constructing or remodeling 72 schools over a 24-year period. When it decided to contract its entire operation to Institutional Resources in 2000, it was able to count on savings of $500 million and twenty years. In fact, the developer agreed to complete all 72 projects within only four years for only $780 million![27]

Using a lease model may be a solution for the Tacoma School District as it faces a nearly $90 million dollar renovation of the historic Stadium High School. Developers could quickly buy the property for a significant amount, making it an excellent investment for both the private sector developers and the Tacoma Schools.[28]

Satellite

A fourth model for school facilities is the "satellite" plan in which non-profit charitable foundations and malls, airports, or other existing buildings form a cooperative effort to begin a school. The satellite concept was pioneered by the Miami-Dade County Public Schools in 1987 when American Bankers Insurance Group agreed to be the test case. ABIG employees were encouraged to enroll their children in the satellite school located at the company headquarters.

Today, Miami-Dade operates four successful Satellite Learning Centers (SLC). The largest Miami-Dade SLC is Spring Valley Elementary, a school serving children Miami International Airport Employees. Forty-five satellite schools operate in the United States.[29]

Amazing results have been achieved with inner city, at-risk youth in satellite learning centers operated by the Simon Youth Foundation at fifteen Simon Corporation shopping malls around the country. Simon's Educational Resource Center program works with local school districts to focus on planting alternative education programs in shopping centers for disadvantaged and at-risk students. One of Simon's most successful resource centers is Mall Academy which opened in fall of 2001 at Northgate Mall in Seattle.[30] Located on the second floor of the mall near the management and security offices, Mall Academy allows Seattle School District students to fulfill all necessary graduation requirements while attending elective classes at the University of Washington and Seattle Community College. Eddie Reed, director of the Seattle Mall Academy, advises, "Education funding should be reshaped to allow a team effort of both public and private sectors, acting in unison, in order to provide a truly more equitable and equal education experience for all public school children."[31]

The National Council for Public-Private Partnerships gave a project award to Hillsborough County School District in Tampa, Florida for its satellite partnership with First Presbyterian Church of Tampa. In this case, the school district entered into a lease agreement and agreed to renovate parts of the church for $350,000. Computers and school uniforms were donated by private contributors in the community. Besides resolving overcrowding, the Downtown Partnership Elementary School raised parental involvement, eliminated the costs and hassle of constructing a new school building, and enhanced the overall environment in downtown Tampa.[32]

A similar model was developed in Iowa by the Des Moines Business Education Alliance and the Des Moines School District. In 1993, the Alliance made its case for establishing a school in downtown Des Moines that was convenient for working parents. That year, a small facility was donated by Principal Financial Group. Enrollment demands at Des Moines Downtown School led to the establishment of a second campus on land owned by the City of Des Moines in 1996.[33]

Conclusion

It is clear that public-private partnerships for the construction of schools can have amazing results. The opportunities for innovation and efficiency should not be overlooked by school district administrators in Washington. Whether a small elementary school in Eastern Washington is in need of an upgrade, or the Marysville School District decides to find a solution to overcrowding in Marysville-Pilchuck High School, there can be benefits for everyone in the community.

- Public-private partnerships save taxpayers precious money.
- Public-private projects are typically built in far less time than other projects.
- Public-private partnerships allow parents the opportunity to be more involved in their child's education, especially if the school is a partnership with the parent's place of employment.
- Public-private projects can serve as both a school and a community center.
- Public-private partnerships are a good solution to failed methods of traditional construction financing.
- Public-private partnerships are an efficient way to reduce class size.
- Public-private partnerships enhance the local economy.

The list could go on. The examples presented in this report only touch the surface of the potential that public-private partnerships can have for schools around Washington. Consider the possibilities:

- Seattle-Tacoma International Airport could establish a school for children of Sea-Tac employees.
- A church in downtown Seattle could lease out its unused weekday space for educational purposes.
- Tacoma Schools could save millions of dollars on the renovation of Stadium High School.

Recommendations

- ***Provide state tax incentives in addition to those provided by the federal government to encourage the use of public-private partnerships.*** Tax incentives can be designed to accommodate a variety of potential investors. Many businesses in Washington view the state's tax structure as unfavorable to small business and big business alike. The state can offer an exemption on business and occupation taxes or property taxes to businesses that engage in public-private partnerships. The state should view such incentives as tradeoffs for the educational results and savings yielded by public-private partnerships.
- ***Remove any unnecessary regulations that impede the ability of school districts to innovate and find solutions to construction finance.*** The state of Florida has been the nation's leader in public-private partnerships because it took away such regulations. As the governor and the legislature consider meaningful regulatory reform, school construction finance should be another area for a WAC-reduction exercise.
- ***Enact a law allowing workplace schools that limit enrollment to the children of employees.*** Allowing this option for school establishment not only provides new schools in a cost effective manner, it provides businesses another bargaining chip to attract workers. As Washington faces the highest unemployment in the nation, opening the door to workplace schools can provide a much-needed boost for businesses.
- ***Enact a law authorizing public-private partnerships.*** The state should leave no doubts about the full legality of alternative school construction. A possible model for legislation would be the 2002 Virginia law called the Public-Private Education Facilities and Infrastructure Act of 2002 that authorizes private entities to acquire, design, construct, improve, renovate, expand, equip, maintain or operate qualifying projects after obtaining approval of a public entity that has the power to take such actions with respect to such projects.[34]

As school districts search in vain for a better traditional funding route, they may overlook key alternatives that will likely become the future of public school construction financing in the United States. Joint efforts by the public sector and private parties are an extraordinary investment for everyone involved.

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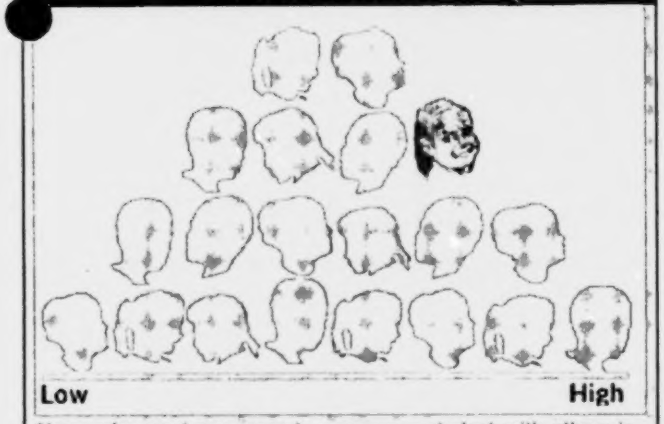
VALUE ADDED ASSESSMENT

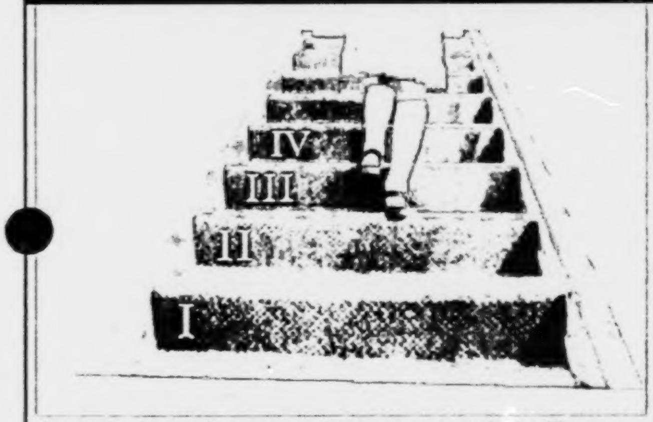
Achievement tests seem to draw fire from all sides, but in one form or another, they must be administered. Parents, teachers, legislators, and businesses want a legitimate way to evaluate a school system's effectiveness. Parents and teachers in particular want to know how much children really know in comparison to academic standards. These goals require instruments that measure the achievement level of individual children as well as schools in a given group. To be fair, the instruments must be "standardized": tests must be uniformly administered, identical tests, or tests made equivalent, must be offered in different locations and years, and scores must be expressed in a standard way that allows for fair comparisons.

Norm-Referenced



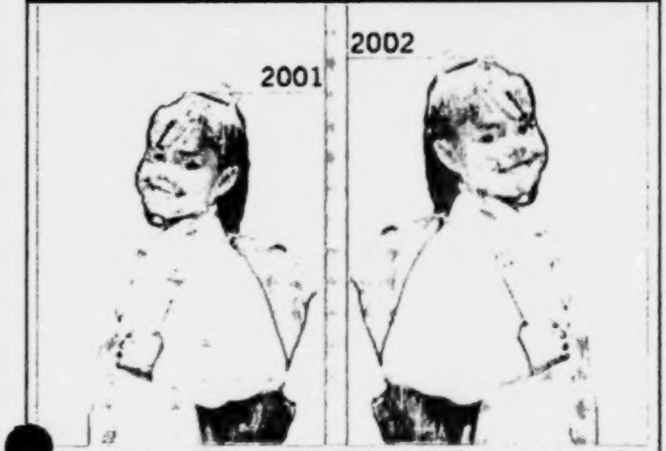
Norm-referenced assessment compares a student with others in his or her grade.

Criterion-Referenced



Criterion-referenced assessment compares a student with an established benchmark of achievement.

Value-Added



alue-added assessment compares a student's current level of achievement with his or her past level.

As an accountability model, traditional "norm-referenced" achievement tests have attracted sharp criticism over the years. Results are expressed by percentile rank, comparing students with each other, meaning half of all students are by definition "below average." While important information can be gleaned from norm-referenced tests, simply comparing students with one another has limited usefulness in promoting or measuring excellence. Furthermore, a school's scores frequently reflect the socio-economic status of its students rather than the work of the teaching staff.

Criterion-referenced tests began to gain favor with educators who wanted tests to better reflect actual achievement. In taking a criterion-referenced test, students are expected to demonstrate selected knowledge and skills, with scores reflecting a particular student's standing in comparison to selected levels of achievement, rather than in comparison to other students. These tests have long been used as an excellent way to measure individual student achievement. At the most basic level, the challenges were to 1) find a way to "norm" criterion-referenced tests so they would also be valid and reliable tools to evaluate aggregate groups of students and schools, and 2) agree on standards.

"High stakes" tests resulted, such as our WASL (Washington Assessment on Student Learning). These tests (a combination of performance-based and criterion-referenced tests) are very controversial for a variety of reasons, one of them being the standards themselves. Some believe they are too high, causing a large proportion of children to fail, which creates resistance to the tests. Others believe the standards do not reflect an appropriate body of knowledge to begin with. Further, scores on the tests still primarily reflect the socioe-conomic composition of the student population, rather than what an individual student learns about a body of knowledge in a given year.

Few people inside or outside education trust the results of the current testing system and whether the sentiment is valid or not is outside the scope of this report. The underlying issue is finding an objective tool to evaluate student, teacher and school progress. Legitimate demands for accountability mean our education system must find some way to establish trustworthy evaluation measures.

For this reason, value-added assessment is worth a hard look. This relatively new method of looking at

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test scores provides a way to ensure that all students are learning, and it offers an objective teacher evaluation method. Because it focuses on student growth during a prescribed period of time rather than absolute levels of achievement, value-added assessment is not tied to who the students are but to what goes on in a classroom during a specified period of time.

This report examines how various jurisdictions have implemented the concept of value-added assessment and the effects of implementation. It looks at potential challenges in using value-added assessment, examines different applications of the data, and provides recommendations.

What is value-added assessment?

As originally envisioned, the focus of value-added assessment is measuring student academic gain. But the value-added analysis may be done at the level of an individual student, a classroom, a teacher, a school, or a district. Most often, value-added assessment is used to discover the effects a teacher or school has on student.

For purposes of this report, value-added assessment is defined as ***any method of analyzing student test data to ascertain students' growth in learning, comparing students' current level of learning to their own past learning.*** This is in contrast to analyzing test data to measure students against an absolute standard of achievement, or to rank them against each other, or to evaluate a school's performance for accreditation purposes.

Value-added assessment is not a different type of testing program. Standardized tests (either normed or criterion-referenced) are used to obtain the scores. It is the act of comparing students' scores with their own past scores that distinguishes value-added assessment.

Value-added assessment, depending on the exact form it takes, has the potential to provide several benefits over other methods of analyzing student scores:

- **Focus:** Value-added assessment changes the focus of education statistics from quibbling over demographic factors to asking the essential question: How well are students progressing?

- **Equitable comparison:** By focusing on student growth, value-added provides a way to recognize outstanding student growth accomplished by teachers. This is especially important in schools with high populations of learning disadvantaged students.

- **Accountability:** Because value-added assessment provides results that are less tied to student demographics and more tied to teacher effectiveness, they provide a fairer accountability measure for schools and teachers.

- **Diagnostic:** Value-added assessment alone cannot identify the cause of poor student achievement. But where the data is sufficiently detailed, it can identify where failures and successes are occurring, giving staff a starting place to begin asking questions and making data-driven decisions. The more extensive forms of value-added provide a gold mine of data for education research.

Teachers matter. Value-added assessment operates on the assumption that a good teacher can create and facilitate student learning no matter what his or her students are like when they enter the classroom. Conclusions based on value-added data confirm this thesis: Teacher quality is the most important element in determining how much students learn. Excellent teachers are able to create adequate student growth in students at all achievement levels.

To be included in this report, value-added systems must measure the increase in knowledge in a particular student or group of students. Analyses that focus on the school's progress as a whole toward making certain goals (such as the Academic Performance Index growth measure in California) were not included. This is because the focus is on the school's gain (this year's third graders are compared to last year's third graders) rather than on the students' gain (this year's fourth graders are compared to themselves in third grade).

Approaches to value-added assessment

Value-added assessment is an objective evaluation of what student tests say students know and teachers do. It does not—cannot—determine whether correct

Jurisdiction	Date	Grades Tested	Test	Subject Areas	Report Detail	Methodology
Tennessee	1993	3–8	Terra Nova (CTB/McGraw Hill)	English/language arts, mathematics, science, social studies	District, school, teacher	Mixed-model statistics
Dallas	1992	1–12	Stanford 9/Aprenda; Texas Assessment of Academic Skills; Assessment of Course Performance; other measures	Reading and math (all grades); writing, science and social studies in selected grades	School, teacher	Multiple regressions and hierarchical linear modeling
North Carolina	1997	3–12	North Carolina's End of Grade and End of Course assessments; other measures	Reading and math (3-8); 10 courses including history and science course in high school	School	Comparison between state average and student group average growth
Texas	1996	3–8	Texas Assessment of Academic Skills	Reading and math	School	Comparison between school growth and 40 similar schools
Arizona	1999	2–8	Stanford 9	Reading and math	School	Calculate percent of students maintaining or improving stanine standing

content is being measured. Presumably, that decision was made before a test was adopted or administered.

Value-added assessment expresses only the concept of analyzing test results to determine the amount of student academic growth. Different states and local school districts have implemented this concept using different statistical methods, and have given it different roles in their education system. This section provides a brief overview of the basic approaches to value-added assessment in different jurisdiction. For a more detailed explanation of the history and development of value-added assessment in each jurisdiction, consult Appendix B.

Detailed statistical models

Tennessee is the state most strongly identified with value-added assessment. Its system dates back to 1992, when it was implemented as an integral part of a comprehensive education reform measure. Using a complex statistical method developed by Dr. William Sanders, then a statistician at the University of Tennessee, the Tennessee Value-Added Assessment System (TVAAS) provides data to the public on the performance of districts and schools, and data for appropriate administrators on the performance of teachers.

The TVAAS statistical model aggregates student growth increases using a design that accommodates missing data. Because of a philosophical belief that schools should ensure all students progress at equivalent rates, no matter their disadvantages, the model does not include other data on students. Dr. Sanders now makes the TVAAS statistical analysis available commercially under the name EVAAS.

About the same time Tennessee incorporated TVAAS, the Dallas school district began implementing its own value-added analysis based on a statistical model developed within the district. The district issues School Effectiveness Indices, which use student growth measures based on test scores, as the primary part of an index that also includes other measures, such as dropout rates. Test scores are also aggregated at the classroom level.

The Dallas model predicts student growth based on multiple factors, including prior achievement and other factors such as ethnicity and socio-economic status. School-level factors, such as mobility and overcrowding are also factored into the analysis. Schools that achieve growth significantly beyond prediction and that fulfill other requirements are given cash awards for all staff.

Simpler statistical models

North Carolina examines student growth at the school level as part of its "ABCs of Public Education" program, enacted in 1996. Schools making expected growth or high growth are given cash awards for all staff. Low-performing schools may receive targeted assistance from the State Board of Education. The North Carolina system is primarily based on the increase in the average score of a group of matched students in two successive years, with minor statistical adjustments.

In Texas, schools have been issued a Comparable Improvement rating since 1996. The comparable improvement aggregates matched student scores in successive years, and compares that growth with the growth in a set of 40 schools selected for their similarity in ethnic and socio-economic composition.

Arizona uses a rating system developed by Department of Education staff, which matches student data and then examines what percent of students remained in the same stanine (a standard nine-level ranking system issued with standardized test scores) from year to year. If students achieve at least the same stanine level as they progress a grade, they are considered to have attained "one year's growth."

Challenges in implementing value-added assessment

Statistical Issues

An independent, statistically sophisticated comparison of the various systems of value-added assessment would be a valuable addition to education literature, but it is beyond the scope of this report. The primary challenge in choosing a statistical method, however, is quite simple: The more statistically robust a system is, the more variables it can allow and the more precisely it can pinpoint results. But it is also more difficult for most educators and parents to understand.

This problem is particularly troubling when it comes to the point of analyzing teacher proficiency. Research has shown overwhelmingly that the primary influence on students' growth is not their socio-economic status, or their school, but the quality of their teachers.[1] Yet most of the systems attempting to analyze students' rate of learning only examine data at the building level. They lack capacity to provide fair evaluations and guidance at a classroom level. Comparing student achievement growth rates may make for a fairer standard of comparison between schools than absolute achievement, but it does not provide the most fundamental information needed to improve student learning.

On the other hand, systems of teacher evaluation are politically charged. Introducing a complex system that provides rankings quite different from usual test scores will create an automatic target. Furthermore, the information will be useless unless teachers and administrators accept it as valid.

Not much can be done to make high-end statistical equations user-friendly. However, the concepts behind them can be broken down and explained. Districts and states wishing to implement a value-added model must ensure they find a way to explain the methodology in layman's terms and convince participants that this data will be useful to them.

The best endorsement for a value-added approach, however, will be evidence of its real-world validity. If a system really works, its evaluation of a teacher or school should make sense to those with first-hand knowledge. Over time, ratings should be logically consistent—not changing radically when methods and personnel have remained relatively constant. If the statistical system exhibits these qualities, the honest skeptic should be convinced that it does provide a fair and accurate way to assess student learning.

When using a computer, for example, people do not need to understand the entire mathematical system behind it; they simply need to observe that the machine in front of them responds in predictable ways. Similar verification can be used to build trust for value-added analysis.

Whatever system of value-added assessment is used, and whatever use is made of it, flaws are inevitable. Comparing scale scores requires an assumption that each point of growth represents an equal increase in difficulty—something impossible to prove because no one can measure "difficulty" objectively. There will always be errors in measurement of student learning, and errors in calculating the growth between them. Even though these measures may not be "perfect," if they succeed reasonably well at measuring real student growth, emphasizing them will encourage teachers and administrators to focus on student academic growth.

Political challenges

While it may appear that the decision to select a value-added assessment model hinges on objective facts, it is really more a matter of policy and politics. For example, should expected growth for students be adjusted based on their socio-economic status and other factors? Should we expect at-risk students to increase learning at a slower rate, or should all students be expected to achieve the same amount of learning each year, whatever their starting point? What about the argument that it is best to require higher rates of learning for students who start out further behind, to help them catch up with those who had greater advantage at the beginning?

Another difficult question is whether students who have only attended a particular school for a short time should be included in value-added analysis. On one hand, it is unfair to hold schools accountable for students they have had little opportunity to teach. On the other hand, mobile student groups tend to be lower achieving, and if they are always excluded from expectations, who will be held accountable for helping them? Tennessee balances these concerns by including mobile students (where data can be matched) in the school score but not in the teacher score. Most other jurisdictions do not include data from a student unless they have spent the better part of the school year—sometimes two years—in that particular school. For schools with a fairly mobile population, this tends to skew scores upward.

Students in special education programs and bilingual education programs provide another challenge. To be counted, they must be tested in a way that provides a fair equivalent to the general tests. For special education students, an additional problem is raised related to whether or not growth rates can be expected to be comparable. More research would be needed to determine whether this would be a fair comparison, but preliminary research conducted by Dr. Sanders indicates it would be.[2] Where testing exemptions can be made justly for certain classes of students, the inherent danger is that lower-achieving students will be classified solely to avoid testing them.

But the most political question of all about value-added assessment: "What do we do with the results once we have them?" That question will be addressed in a subsequent section.

Cost and time investment

Value-added assessment, by its nature, requires frequent standardized testing to plot student growth. Annual testing is necessary, especially if the data is to be gathered at the grade or teacher level. Fortunately, value-added assessment does not require its own specialized instrument. It can use scores from any reliable instrument that is sufficiently correlated with the curriculum (perfect correlation is not necessary to measure growth), and that has enough stretch to measure growth of all levels of students. This allows a jurisdiction to include value-added data as part of the reports from another testing program. The jurisdiction must also have a database that tracks student results over multiple years.

Conducting the value-added analysis requires an additional investment of resources. The most statistically complex system, EVAAS, is available on the open market for $1 a student and $25 a teacher. Simpler analyses would probably be less expensive, and might be done in-house. A major expense is training staff on how to understand the data and use it in decision-making. With staff turnover, this is an ongoing process.

Every system of accountability requires an investment of time and money that would otherwise be spent elsewhere. A system that requires annual testing is likely to be attacked as diverting too much time from teaching to testing. Some testing is necessary, however, and value-added assessment provides great potential for using test results to identify academic problems and to reward good teaching.

Delay in useful data

A lapse exists between administering any test and receiving results. Value-added data has some additional time lapses. Because value-added measures growth over a year's time, no data is available at the baseline grade level (usually around the third grade). North Carolina addresses this problem by administering a pretest at the beginning of the third grade.

Modifications must be made if value-added data is to be used for teacher evaluations because the information gleaned generally is not available, processed and analyzed, until the fall of the following year. Yet teacher evaluations are more likely to take place in the spring, simultaneous to testing. Dallas addresses this by using the value-added data from the prior year as part of a needs assessment in the fall; teachers are then evaluated in the spring for how they have addressed the needs identified.[3]

With the TVAAS system, teacher evaluation data is further delayed because three years' longitudinal data is required to ensure statistical accuracy. Thus, this data is not available to evaluate teachers in their first two years of teaching. Although value-added data may not always be available, where it is available, it provides useful and objective evidence to guide teacher evaluations.

Alignment of tests to teaching

Few propositions in testing seem more obvious than requiring that students be tested on the material they are being taught. But implementing this basic concept in the context of using standardized tests is always fraught with controversy. The process of creating and standardizing a test year after year, so that questions are different enough to ensure test security, yet results can be compared across years, is difficult and expensive. For this reason, most states and school districts contract out with private companies who sell standardized tests on a nationwide basis. Critics complain that these nationally available tests do not correspond adequately to the curriculum required in a particular state or district.

Even though districts and states may vary somewhat in curriculum requirements, the basic sequence and achievement levels expected in core subjects like reading comprehension, language arts, and math are unlikely to vary widely from the scope and sequence used as a basis for tests. Dr. Sanders indicates that for a value-added analysis to be valid, perfect correlation between the test and the curricular objectives is not necessary.[4] The test need only be highly correlated so that the number and variety of questions is adequate to identify overall student growth.

When standardized assessments are discussed, the specter of "teaching to the test" is raised. Suffice it to say here, the harm occurs if the test requires knowledge or skills outside the scope of what teachers should be/can be teaching. No test can measure everything involved in good teaching, but good teaching is generally reflected in good test scores.

Value-added assessment can be used with norm-referenced or criterion-referenced tests, as long as scores can be converted to a scaled score measurable across various levels of the test. But certain criterion-referenced tests provide problems for a value-added assessment. Criterion-referenced assessments may place their emphasis on questions close to the standard, leaving too few questions at the high and low end to assess the progress of very high and very low achieving students. The Texas Assessment of Academic Skills, for example, had this problem, and thus very high and low achieving students do not have their scores included in Texas' Comparable Improvement measure.[5] The consequence: Schools are not held accountable for ensuring that all students are making adequate gains each year.

Variety of content in high school

In grades K-8, students usually follow the same course of study and are tested on overall development in language arts and math, and often in science and social studies as well. However, once students reach high school their paths begin to diverge--some progress further in mathematics or sciences than others, and courses may be taken in different order. It becomes difficult to measure overall growth each year. North Carolina and Dallas both provide for standardized, course-specific tests at the end of selected core subjects. North Carolina also has a comprehensive test in reading and math that is administered in the tenth grade, measuring progress over the eight grade scores. Tennessee has included end-of-course analyses for some mathematics courses, but most of the program has been delayed due to lack of funding.

Since an end-of-course test does not measure growth from year to year, some other predictor of student achievement must be selected. For example, eighth grade mathematics scores might be used as a predictor for Algebra I; student scores could then be evaluated to see whether they learned more, less, or as much as would be expected based on their previous level of mathematics achievement.

Value-added in action

Value-added assessment has tremendous potential to produce the reams of detailed data that would bring joy to any researcher's heart. But unless school boards, superintendents, principals and teachers have the commitment and the incentive to use that data to improve student learning, gathering the information is a waste of time. The next section profiles how this data can be used in practice.

Maryville Middle School

Principal Joel Giffin, of the award-winning Maryville Middle School in Maryville, Tennessee describes himself as a firm believer in the Tennessee value-added assessment system.[7] He uses the data provided through TVAAS to drive the decision-making process throughout the school. This has required him

Maryville Middle School

Three-year-average gains, 2001
Expressed as percent of national norm gains

Math	139.6%
Reading	155.0%
Language	140.4%
Social Studies	93.8%
Science	141.0%

to understand the data himself and to ensure that teachers understand it as well.

Giffin works to ensure the first use of TVAAS data is to reward and recognize staff for successes. TVAAS data is then used to pinpoint problem areas. For example, at one point all students were making adequate or even exemplary gains in math, except a small group of low-performing students. This group of students—20 out of 340 in that grade—was not large enough to drag down the overall growth rate, but the precision of TVAAS data allowed the school to target that group of students for help.

Teachers were given a list of the low-gaining students and asked to consider what they knew about them. A common list of challenges was given: low socioeconomic status, attendance problems, behavior problems, dislike of school, and lack of money for supplies. Giffin then challenged the teachers to dig deeper and identify which of the students' challenges the school could address. Finally staff identified the low-performing students as lacking adequate support in doing their homework. A second math period was added to their day to give them more individualized support in math. In the next testing cycle, that group of students showed a 356% gain in math knowledge (compared to 100% standard gain).

Teachers at Maryville are taught how to understand and use the TVAAS data for themselves, as well as in consultation with the principal. By combining TVAAS data with the criterion-referenced data, particular strong or weak points can be identified. The data might indicate, for example, that Teacher X's students were low in math gains because the students did not understand fractions, but Teacher Y's students showed a strong understanding of fractions. Teacher X would be assigned to observe Teacher Y's instruction in fractions and vice versa. The teachers would then confer with each other and with the principal, and a plan would be drafted to change teaching methodology to improve student learning in that area. Next year's data would be used to determine whether the change was effective.

These uses of information indicate that obtaining value-added data is only be the first step. Principals and teachers must examine the data at their school to identify where they are succeeding and where they need to improve. (Unfortunately, most of the systems of value-added assessment do not provide sufficiently precise data to perform many of the analyses conducted at Maryville Middle School.) Value-added assessment does not prescribe remedies—teachers and principals must draw from their own knowledge and experience to create a plan to address the problems. Once the plan has been implemented, next year's value-added data [illegible] back must be used to evaluate the success of the plans.

Seattle

During the mid-1990s, the Seattle School District began looking for ways to improve the school accountability system within the district. Through research and personal contacts, the district staff and superintendent became aware of the work of Dr. William Sanders. Dr. Sanders was invited to speak to district staff and, in 1999, district leadership decided to contract with Dr. Sanders for review of data from Seattle schools. The Sanders' approach was chosen for several reasons: It was well-documented, readily available, and it allowed the district to use data it already had on hand rather than placing a new testing burden on teachers or students.[8]

The district was ultimately able to obtain a three-year grant to pay for the costs of obtaining and institutionalizing the value-added analysis, making it a regular part of schools' planning. This grant enabled them to hire additional staff to provide training and coordinate the project. As project manager they hired Marsha Denton, Ed. D. Dr. Denton had worked as a teacher in Tennessee and used the TVAAS data to improve her own teaching methods. She had also worked as a consultant and advisor for other teachers using TVAAS data.

Training staff to use the data is the primary challenge. Dr. Denton conducts numerous training sessions and Dr. Sanders has also visited the district to provide training. Dr. Denton describes the immediate purpose of value-added data as giving the staff a place to start asking questions on how they can improve student learning. The data allows them to begin identifying strong points and weak points, and then look to the strong points to learn how they can make improvements in other areas. Teachers are given the information to talk across different grade levels, not only about the students, but also about strategies. Some principals have also presented the data to parent groups, explaining strengths, weaknesses, and what the school plans to do with the information.[9]

Currently the district only obtains the data at the school building level, but would like to obtain teacher-level data if it proves possible to do so without the data being made public. The analysis combines data from the Iowa Test of Basic Skills and the Washington Assessment of Student Learning. EVAAS is now providing the data in a form that examines the growth of the district as a whole across time, not just comparing schools to the district average each year.[10]

Using value-added data

The most difficult question related to value-added assessment is, once we have the data, what should we do with it? The investment required by value-added analysis can only be justified if it pays off in improving student learning. States and districts are only beginning to explore the potential for the data, so accomplishing this goal will require careful planning and review.

Teacher evaluations

The most innovative but controversial proposal for using value-added data is teacher evaluation. On one hand, it holds the prospect of using hard data, not just personal impressions, to identify excellent or deficient teaching. On the other hand, it flies in the face of the last few decades of consensus in the education hierarchy that evaluating teachers on the basis of student achievement is unfair because so many other factors may be reflected in student test scores.

Value-added data challenges the assumption that student test scores cannot be attributed to teachers. Certainly achievement levels reflect many outside factors besides teachers. But when student growth is examined, the primary influence is the quality of the teacher. This does not mean no other factors exist, but the correlation is strong enough to make value-added assessment a potentially revolutionary change in the way teachers are evaluated.

Using value-added data as a portion of teacher evaluations requires addressing several challenges, first of which is having a statistical system robust enough to bring data down to the teacher level. Currently only the TVAAS and Dallas systems offer this level of analysis. Second, students must be properly attributed to teachers. This requires identifying how much time a student spent under a particular teacher and for which subjects.

Getting data, however, is only the beginning. Using its results in constructive practice is far more difficult. Two possible uses exist: formative—to help teachers determine how to improve; and summative —to provide information for decisions on teacher standing. How the data is used in the formative evaluation process will always be primarily dependent on the individual administrator and teachers. The state and district can mandate value-added data be included, but its presence will have little impact if teachers and principals do not believe the data is useful. Extensive training will be necessary to get principals and teachers to understand the data and view it as a resource for identifying strengths and weaknesses, and to use that knowledge to expand strengths and shore up weak areas.

The real controversy is using value-added data in summative, high-stakes decisions, like teacher pay or termination. So far no one uses the data in this way, although in Dallas value-added scores may be part of the information used in a termination decision. Obviously, using the data in high-stakes decisions requires great caution. It probably should not be used in any high-stakes decisions until it has first been implemented, verified, and accepted in a lower-stakes context. Even then the data can never stand alone. Data cannot tell which teacher was assigned the most rambunctious students, or which one struggled with illness. Data from standardized tests do not help assess competence in some subjects or activity areas, like art or physical education.

Value-added analysis for teachers generally includes statistical safeguards designed to prevent a teacher's score from being unfairly skewed by insufficient data. This means data tends to be skewed toward the middle, with the vast majority of teachers ranking in a broad middle band of acceptable performance. Thus, the most likely potential for high-stakes use of value-added data is at either end—the smaller percentage of teachers whose performance is so high or so low that it breaks away from the average.

For the one group, it seems unreasonable that a principal could know that, year after year, a teacher was not giving students adequate opportunity to learn, yet be unable to do anything about it. No decisions should be made in haste, on inadequate data, or without considering other factors, but ultimately the principal ought to have recourse to use the data to establish a teacher's incompetence.

On the other hand, it seems logical to recognize and even financially reward teachers who are experiencing dramatic success—success measured by an objective evaluation of how much their students are learning. By recognizing and rewarding success we make it easier for others to copy it. Again, test score gains alone may not provide an adequate basis for making this decision, but there is no reason why they cannot ultimately be part of the determination.

Whether value-added data is used for summative evaluation or not, the primary emphasis must always be on helping teachers improve. The vast majority of teachers, like everyone else, want to do well, and will respond favorably to value-added data if they perceive it as providing them with information on how to be more effective.

Building-level planning

Every current system of value-added assessment provides data at the building level. General information at the building level, however, does not provide much information about where problems are occurring. When data is at least broken down by grade level, it can provide a starting place for asking questions. For example, if fifth graders are achieving much lower gains in math than fourth graders, perhaps the math curriculum for fifth graders is not sufficiently challenging to continue growth in students who made excellent progress last year. Teachers who have this data can discuss student challenges and strategy across grade levels.

As more detailed data is available, more specific questions can be asked. For example, EVAAS's ability to classify data by high, middle, and low-performing students allows the school to examine whether a particular group of students is not making adequate gains. Often this is the high-performing students, perhaps the consequence of teachers concentrating on helping lower-performing students catch up.[11] On the other hand, in the example of Maryville Middle School, detailed data was used to target low-performing students. These examples illustrate why detailed data is vital to diagnostic use. Perhaps the school as a whole is doing well, yet certain groups are falling behind. The more those groups can be identified, the better they can be helped.

If student records can also be tagged for participation in various programs, schools can identify whether these supplemental programs are having the desired effect.

Incentives and accountability

Although value-added data can provide a valuable diagnostic service, the primary reason most value-added systems have been implemented is accountability. Parents, legislators, businesses and the community at large all want some way of discovering how schools are doing. Traditional measurements generally reflect the demographics of students rather than how well students have been taught. Value-added data offers the potential to hold schools and teachers accountable for ensuring student success, no matter if or how those students may be disadvantaged.

Simply having value-added data provides teachers and principals with a strong incentive to improve, particularly if the data is specific enough to provide guidance of which areas to target. Most people want to succeed. With specific data, they can get a better idea of how to do that, and they can receive feedback on how they are improving.

But there still may be a place for financial rewards. Financial rewards do not imply that teachers are mercenaries who have no motivation for helping students other than cold, hard cash. Sometimes, providing financial rewards is simply the best way to demonstrate seriousness about improving student learning. As the saying goes, "Put your money where your mouth is." All people appreciate and respond to recognition and tangible rewards.

This raises the question of how financial rewards should be appropriated. Both Dallas and North Carolina provide cash awards to teachers and other staff at high-achieving schools. No system currently rewards teachers on a purely individual achievement basis. North Carolina has no teacher-level data anyway, but in Dallas rewarding at the school level was a conscious decision:

> The intent of the performance awards made at the school level was to encourage cooperation and assistance within a school building. The Accountability Task Force rejected any plan in which a teacher might be encouraged to withhold information or assistance from a fellow teacher in a school.[12]

Another concern about providing rewards exclusively on an individual basis is the potential for abuse by building administrators. For example, an administrator might concentrate the difficult students in one teacher's class (either out of vindictiveness or simply because that teacher handled them better). If the building as a whole is evaluated and rewarded, the administrator has an incentive to see that all teachers are encouraged to excel.

Logistical problems to rewarding teachers on a value-added basis also exist. It is highly unlikely that all teachers will ever be evaluated under a value-added system. The value-added system provides no measurement for teachers in grades too young for standardized testing, the grade used as a baseline, and subjects not in standardized tests. Thus cash awards given solely on a value-added basis would exclude many teachers. If such awards were instituted, some way would need to be found to evaluate teachers outside the value-added system and also to recognize their achievements.

The problem with using group instead of individual rewards is that it violates the reality of human nature that we perform better if we know it matters to our own rational self-interest. Rewarding an entire group of people means some in that group will be unjustly rewarded because they will not have participated in the group's success. Nonetheless, monetary rewards are worth strong consideration.

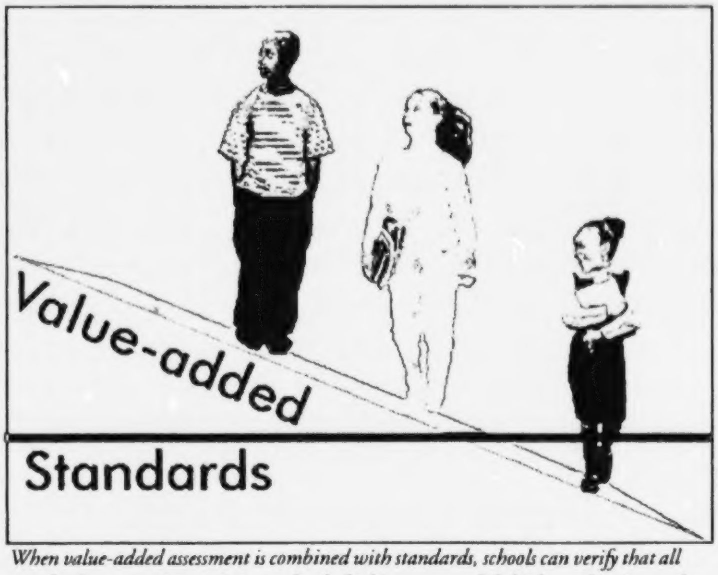
A lack of perfect correlation between value-added analysis and quality of teaching should not necessarily preclude its use. Currently, teachers are paid based on years in the classroom and degree of education—measures that have little direct correlation with student learning.

Inter-building coordination

Just as value-added data can provide a starting point for teachers to talk across grades, it can also provide a starting point for teachers to talk across schools. One finding from the Tennessee data is that learning tends to drop off dramatically when populations of students transfer from one school to another, as when students are promoted from grade school to middle school.[13] The likely reason seems to be a lack of proper coordination between the curriculum of the feeder schools and the receiving school. If both schools have grade-specific data, they can begin looking for where problems occur, discuss how to address them, and verify whether their efforts have been successful.

Meeting the needs of all students

Much of education reform talk for the past two decades has centered around establishing and raising standards: attempting to ensure the vast majority of students reach a particular benchmark of achievement. Such an objective seems like a logical objective for a public school system charged with serving all students. But standards-based reforms also have some inherent challenges. The state may want to ensure a basic education for all students, yet all students are not the same. Some may only achieve the benchmark after much



When value-added assessment is combined with standards, schools can verify that all standards are meeting a minimum level of achievement, while higher-achieving students continue to be challenged.

struggle; some may be capable of vastly exceeding the benchmark; some may never achieve the benchmark. Setting an achievement level standard that addresses the needs of all students is impossible. Set the standard too high, and you guarantee failure for large numbers of students. Set the standard too low, and you eliminate any challenge for high-achieving students.

On the other hand, requiring schools only to meet a particular standard of growth has its own limitations. If schools simply must show average growth for all students, those who start out far behind might never reach basic achievement levels.

By combining measurement based on standards and measurement based on growth, schools can legitimately be held accountable for meeting the needs of all students. Schools can be required to bring all students to a basic level of achievement, and simultaneously be required to challenge students who have left basic achievement far behind. Once the data has been analyzed to determine what rate of achievement can reasonably be expected of lower-performing students, teachers can work to ensure students are learning at a rate that will allow them ultimately to reach acceptable levels.

Combining the two measurements will require making some policy decisions. For instance, if greater growth is needed from lower-achieving students to bring them up to a benchmark, resources need to be targeted to accomplish this. This in turn may aggravate the problem that higher-achieving students tend to make slightly lesser gains on average, perhaps because teachers are already focusing on lower-achieving students.[14] Policymakers must determine to what extent this is acceptable to ensure all students learn a minimum amount, and to what extent schools should endeavor to offer equal growth to all students. Value-added data at least allows schools to make these decisions consciously and determine how well they are succeeding with the goals they have set.

Educational research

Value-added assessment data, particularly the detailed data gathered by the TVAAS/EVAAS system, offers tremendous potential to conduct education research. Focusing on growth already controls many factors, making it easier to identify the impact of specific variables. Already value-added data has provided insights and verification of what has the most significant effect on student learning.

Studies based on value-added data confirm the thesis that teacher quality has the greatest impact on student learning, and that high-quality teachers are able to obtain gains despite a wide mixture of ability in their students.[15] Further, only the top tier of teachers, as measured by the rate of gains made by students overall, were able to show adequate levels of growth at all student achievement levels; less effective teachers tended not to obtain adequate gains in higher-achieving students.[16]

While individual teachers are important to students, so is the sequence of teachers. One study looked at student test scores after three years under teachers of varying effectiveness. For students initially scoring in the same range, the difference in test scores between a sequence of three low-performing teachers in a row and three high-performing teachers in a row was as wide as 54 percentile points.[17]

As teacher quality has proved to be the most important factor in student gains, other factors have proved statistically insignificant. The percent of minority or low socioeconomic status students, for example, was found to be unrelated to the academic growth rates a school could achieve.[18]

The availability of value-added data opens up new possibilities for research. Dr. Sanders has identified several topics he is currently investigating or that merit further study. This includes examining the effectiveness of teachers with different certificates or years of experience, comparing teaching abilities of teachers who quit with those who remain in the profession, and analyzing whether, when states only test certain subjects in certain years, student growth in those subjects increases the year of the test and trails off in other years.[19]

Conclusion

Value-added assessment is still a relatively new concept in education. The massive amounts of data tracking and analysis required made it unworkable until computer power increased. Already it shows great potential for changing the focus of education statistics from looking solely at achievement levels to examining student growth. This in turn offers an opportunity to identify practices that speed up or hamper student growth.

No amount of statistics can eliminate all uncertainties or inequities in evaluating schools and teachers. But value-added analysis does provide a better tool to focus on the real issue in education:

What and how much are students learning? As we turn the focus to answering this question, annual statistical analysis may prove to be only the beginning. Teachers can target their classroom assessments to make sure their students are moving forward throughout the year. They can ensure that the lessons they are offering are appropriate for their particular group of students. Principals can determine if school configurations and programs are having their desired effect.

In the end, value-added assessment is simply a statistically sophisticated way to help good teachers and administrators do what they have always tried to do: find out where students are academically and take them as far as they can go.

Recommendations

By integrating value-added assessment into its testing program, a state or school district gives itself a powerful tool for transforming student test data into information that can potentially improve student learning. The examples of different jurisdictions that have used a value-added analysis provide some guidelines as to what elements are necessary to make this potential tool effective:

- **Sound statistical analysis:** The statistical system used must be reviewed by statistical experts to ensure fairness and accuracy for the level of detail offered. The standard of growth chosen and data included should be carefully reviewed to logically support the state's policies. The system should be capable of explanation, at least in concept, to those who will be receiving and acting on the data. Finally, the data should make sense in comparison to the real-world experiences of those involved.

- **Adequate data detail:** To provide the greatest amount of information for making data-driven decisions, data should be available at the district, building, grade, and teacher level. It would also be advantageous to be able to compare data by achievement level, and perhaps by other considerations such as ethnicity or socio-economic status, in order to identify any specific subgroups not making adequate gains. If teachers were also able to look at individual student levels, they might be able to make better determinations of how best to help each student in their class.

- **Appropriate publicity and training:** Because value-added assessment is an unfamiliar approach to test scores for most people, implementing it will require ensuring that the media, parents, and community understand what the new scores mean. Educators must not only understand what the scores mean, but be thoroughly trained in how to use the scores in decision-making. That training will need to be ongoing to accommodate staff turnover.

- **Commitment to using data to improve student learning:** Value-added systems have generally been enacted first as an accountability measure. But accountability itself exists to further what should be the end goal of every action in the school system: increasing student learning. Obtaining value-added data is not enough. Principals and teachers, especially, must be committed to using the data to ask questions about how learning can be improved.

- **Adequate resources:** Value-added assessment will require expenditures to provide for annual testing, data analysis, and staff training. Further funds may also be necessary to provide incentives or to implement necessary changes identified after obtaining the data.

- **Incentives for high performance:** Although value-added data itself provides incentives for schools and teachers to find ways to improve learning, providing cash rewards does give the state an opportunity to communicate the depth of its commitment to increasing student learning. And the data itself is only useful to the extent that parents, educators and the community take it seriously.

Appendix A: Glossary

Achievement test

A test that measures what knowledge a student has acquired in one or more common content areas. This is in contrast to tests that may measure aptitude or readiness.

Composite

A single score that combines the scores on different tests or other performance measures.

Criterion-referenced test

A test in which every item is tied to a specific educational objective, designed to determine which of the objectives have been mastered. Scores on a criterion-referenced test are generally expressed as levels of achievement.

Mean gain

The average gain in scores of a selected group of students.

Norm-referenced test

A standardized test that compares a student or group of students with a specific reference group, usually students of the same grade.

Percentile

Percentile ranking divides all student scores into 100 groups of equal size. Rank is expressed as one of 99 point scores; for example the 57th percentile is a score higher than 57% of the overall scores.

Reliability

The reliability of a test is the indicator of its consistency. A reliable test is one in which the same individual taking the same test on different occasions or a test with different but equivalent items would get the same score.

Regression to the mean

A statistical phenomenon in which scores that are distant from the mean tend to move closer toward the mean upon retesting. Thus high scoring students at one setting are likely to score not quite as high, compared to everyone else, the second time. Similarly low scoring students are likely to score not quite as low. To find the likely true gain of student scores, the numbers must be adjusted for this phenomenon.

Quartiles

Division of a population into four equal groups.

Scaled score

Scores on a single scale with intervals of equal size—thus each gain of a point represents an equivalent increase in knowledge. A scale score allows comparison across grade levels and tests. Thus a scale score of 150 in one level of the test would reflect the same level of knowledge as a scale score of 150 on the subsequent level of the test, even though raw scores would be different because the second test would be more difficult. Scale scores can properly be added, subtracted and averaged across test levels.

Standard deviation

A statistical expression used to show how far the set of scores is spread from the average of all scores. One standard deviation above and below the mean includes approximately two-thirds of all scores. A large standard deviation indicates that there is a wide variety in scores.

Standard error of measurement

The standard error is an estimate of how much a statistic is likely to deviate from the true measurement.

Standardized Test

A test administered in compliance with directions for uniform administration. The items in the test must be appropriate in difficulty for the students taking the text, and conform to the planned contents. The test must be interpreted using reliable norms or standards.

Stanines

A standard score scale (see above) that divides the norm population into nine groups. The mean is stanine five.

Statistically significant

A statistically significant difference is one that is greater than could be expected from purely random variation.

Value-added assessment

A method of analyzing student standardized test scores to determine and compare the amount student knowledge has grown over time in a matched group of students.

Validity

Validity refers to whether a test is capable of measuring what it is used to measure.

Appendix B: Methods for value-added assessment

Tennessee

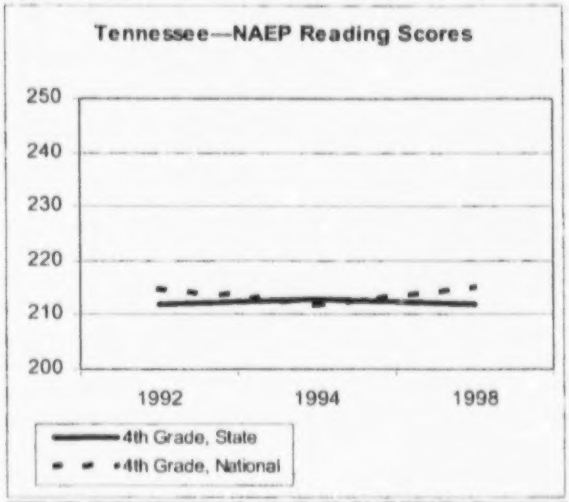
History and description

In 1992, Tennessee became the first state to adopt a value-added model statewide, the Tennessee Value-Added Assessment System (TVAAS). Its system remains the best known, most detailed, and most statistically sophisticated example of implementing value-added assessment.

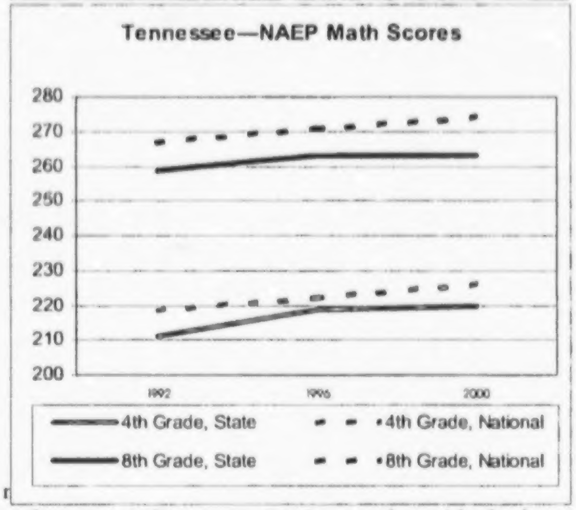
The primary developer of TVAAS was Dr. William Sanders, formerly a statistician at the University of Tennessee. In the early 1980s, Tennessee was examining the possibility of awarding merit pay for teachers. In response to statements that it was impossible to evaluate teachers fairly based on student achievement, Sanders and a colleague theorized that a statistical model developed in agriculture (mixed-model) could be used to discover how much a teacher's class had learned. They gained permission to examine three years' worth of test data from the Knox County schools and found that by examining student growth rather than absolute test scores, and correlating data by classrooms, they could estimate teacher effectiveness in ways that were consistent from year to year, and that also fit with the subjective impressions of school administrators.[20]

Despite these findings, the study failed to attract much attention at the time. However, in 1992 the Tennessee legislature undertook another round of education reform, one that would require raising taxes. Business interests were demanding that accountability for districts, schools, and teachers be part of the package.[21] This time legislators were attracted to Sanders' proposal as a way to verify results. After inviting Sanders to speak, legislators amended the state's Educational Improvement Act to incorporate the "Sanders Model." Schools and systems would be expected to have a mean gain in student learning that would meet or exceed the national mean gain. As of 1995, data would be analyzed at the teacher level and used in teacher evaluations.[22]

Through 1997, Tennessee used data from the CTBS/4 test by CTB/McGraw Hill, testing second through eighth grades. Since 1998, Tennessee has tested third through eighth grades using the Terra Nova test by CTB/McGraw Hill.[23] Terra Nova is a norm-referenced test that includes both multiple-choice and constructed response questions, and provides both norm and criterion referenced results. Students are tested in reading, math, language, social studies and science. System and school scores, expressed as an average of the last three years' gains, are made public. Scores are expressed as a percentage: a score of 100% reflects normal gains.



Tennessee—NAEP Reading Scores



Tennessee—NAEP Math Scores

The evaluation system for secondary schools is still being developed, and currently includes three end-of-course tests for math, a writing assessment, and the ACT. Actual student scores are compared with predicted scores based on their Terra Nova scores in earlier grades.

In addition to the public reports, district superintendents control access to the web-based reports that provide more detailed information, allowing authorized users to track how students at different levels of achievement are performing and to look at individual student performance over time.

If a school or system does not meet the performance standard of making gains equal to or greater than the national mean gains, and has not made statistically significant progress toward that goal, it may be placed on notice or on probation. While a school or system is on notice, the Department of Education and the Office of Education Accountability must study the school or system and, if it is placed on probation, they may restrict local powers in order to implement recommendations. If low gains continue, the Commissioner of Education may recommend that the local board and superintendent be removed from office.[24] This sanction, however, has not yet been implemented.[25]

The use of value-added assessments to evaluate individual teachers makes Tennessee unique among states. (The Dallas School District also applies its value-added information to teachers.) At least three years' worth of data are used to ensure evaluations are based on long-term tendencies rather than a one-year fluke. Special-education students and students who have been in a teacher's classroom for less than 150 days are not included in that teacher's analysis.[26] Unlike district and school data, teacher-specific data is kept confidential.

Tennessee does not provide for the use of teacher data for high-stakes decisions such as termination or merit pay. Rather, the value-added data is one part of the teacher evaluation process: actual use of the data varies based on how the administrator and teacher want to use the data. Ideally, the data is used to provide objective feedback pinpointing problems and highlighting successes, which teachers and administrators can then use for decision-making. Critics have complained that this limited use of data in teacher evaluations does not live up to the original plan to use the data for teacher accountability.[27]

Even in the use of evaluations, a review by the Tennessee Comptroller's Office of Education Accountability indicated that, although there were principals and teachers using the data effectively, most Tennessee schools were not using TVAAS data in a way that would help improve student learning.[28] The report concluded that although TVAAS data had great potential to improve student learning, for that to happen "the state must broaden its purpose from a tool for reviewing student performance to a tool impacting student achievement."[29]

Statistical model of TVAAS

A conceptual view of TVAAS can be obtained by imagining an "academic growth chart" for each individual student, charting the student's rate of growth over multiple years. Like a physical growth chart, this chart shows times of more rapid growth and times of slower growth. When the charts of all students in a classroom, school, or district are correlated, educators can spot areas where learning is taking place more slowly or more rapidly.

The statistical model required to correlate this growth is much more complicated, because real life testing scenarios are much more complicated. Students miss tests, move between schools, or have a bad day on test day. These and other complications require sophisticated statistical analyses to insure reliable measures of the influences of districts, schools and teachers on the rate of academic growth of students.

The most significant differences between TVAAS, which uses mixed-model statistics, and less sophisticated methodologies are treatment of missing data; approach to non-teacher variables; and accommodation of different real-world teaching scenarios.

1. Unlike most other value-added models, students with only partial testing data are not dropped from the TVAAS analyses. By giving these students' scores proper weight in analyzing the school effects, students who only test sporadically are not simply allowed to drop through the cracks of the accountability system.

2. TVAAS limits itself to examining achievement test data. Rather than trying to quantify and factor in all the non-teacher variables that may affect student learning—from socio-economic status to family crises—the statistical analysis only looks at a student's past achievement levels, since those levels already reflect the student's situation in life. Each student's past achievement serves as his or her own "control." Research has indicated that when the data is examined in this way, such factors as socio-economic standing, race, etc., do not have a statistically significant effect on rates of student growth.[30]

Two reasons are given for omitting non-teacher variables: (a) the variables are often difficult to quantify and some data simply may not be available; (b) including these factors would mean setting lower standards of growth for students considered to be at-risk. This is regarded as unfair to students with the potential to be high achievers who happen to be in at-risk categories.

3. The teacher analyses accommodate different teaching situations, such as multiple teachers for the same student in a given subject as well as teachers of self-contained classrooms. Teachers in higher grades who offer departmentalized instruction can also receive analyses.

In addition to reporting the growth rates of all students, TVAAS can break down that data by achievement levels, charting the progress of high, low, and average scoring students separately. This allows schools and teachers to discover which groups of students are not making adequate progress and make curriculum adjustments accordingly.

EVAAS

Originally, Dr. Sanders provided the TVAAS analysis through the Value-Added Research and Assessment Center at the University of Tennessee. However, in 2000 he moved to SAS in School, part of the SAS Institute Software Company, and from there, under the name EVAASO, offers the same data analysis as TVAAS to districts around the country. EVAAS provides the data at $1 per student for schools and districts, $25 each for teacher reports. Web delivery is an additional $1.50 per student, which provides a look at the data over time in different breakdowns—by grade level, prior achievement level, and even individual student. This provides teachers and administrators with specific information to pinpoint strengths and weaknesses and track improvement.

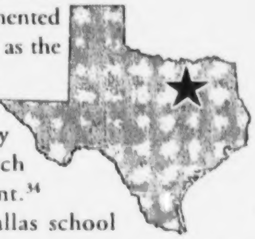
EVAAS provides training for districts on understanding and using the data. Specialized research can also be undertaken. EVAAS staff is now working with approximately 100 districts outside of Tennessee.

Since most states only test in a few grades (such as 4, 8 and 10), most districts must piece together data from multiple tests—often a state criterion-referenced test in some grades and a norm-referenced, nationally available standardized test in others. The researchers have found that once test scores are translated into scaled scores, there is strong correlation for growth rates from year to year, regardless of which test is used.[31]

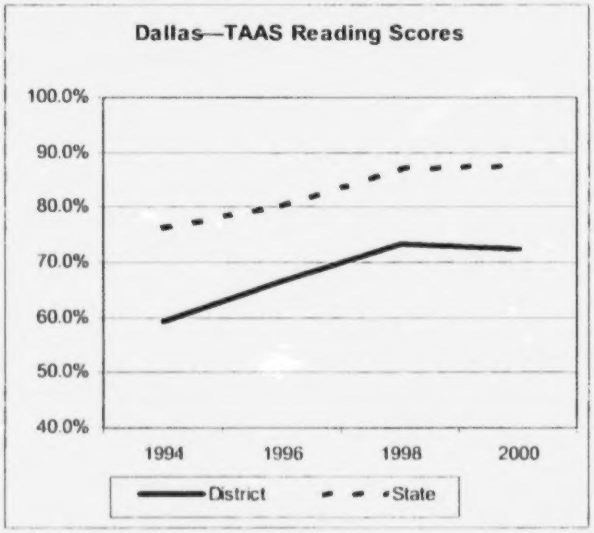
Few districts have yet obtained the data down to the teacher level, partly because they have not been keeping data correlating students with teachers,[32] and partly because such data might be a public record under existing state laws.[33] However, teachers and administrators are interested in obtaining this data, and districts are working to overcome the barriers.

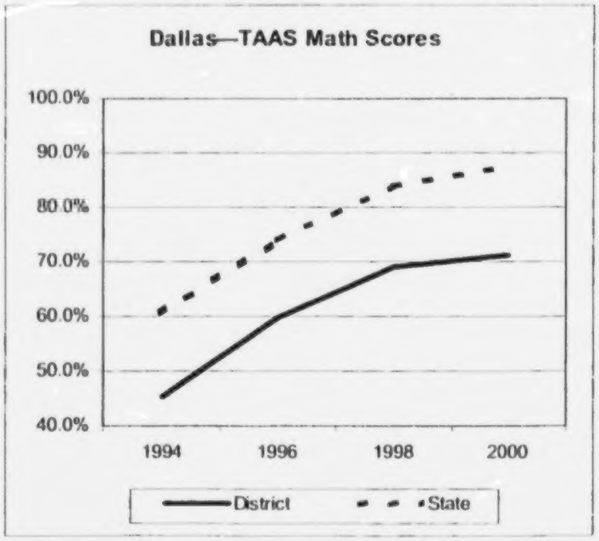
Dallas

History and description



The Dallas system of value-added assessment was implemented in 1992, about the same time as the Tennessee system, but it reflected the outgrowth of a decade of data gathering by the school district's research and development department.[34] Beginning in 1984, the Dallas school





district ranked schools based on student growth curves. This system was eventually abandoned because of a new state accountability system. In 1990, the Dallas Board of Education established a Commission for Education Excellence. The commission recommended developing an accountability system that incorporated the previous work, including other factors but still giving priority to growth as reflected by test scores, and extending the analysis to the teacher level. The current Dallas accountability system was built in response to this report.[35]

At the school level, the Dallas accountability system provides for School Effectiveness Indices. The district's Accountability Task Force, a group of parents, teachers, principals, and community representatives, selects and gives weight to the goals that measure the effectiveness of a school.[36] This incorporates multiple assessment instruments, including the national norm-referenced Stanford 9/ Aprenda (the Spanish version) in grades 1-9, the state-mandated, criterion-referenced Texas Assessment of Academic Skills (TAAS) in grades 3-8 and 10, and Assessment of Course Performance (ACP), criterion-referenced tests for specific high school courses.[37] Non-test indicators are also included, such as dropout rates, graduation rates, and enrollment in advanced courses.[38] However, test scores have the greatest weight.

A student's scores only count toward the school's ranking if the student was enrolled during the first six weeks of school and took the test at the end of the year. Schools are required to test at least 95% of eligible student population.[39] The purpose for these requirements is to increase the fairness of the system by only holding schools responsible for the education of students whom they have had the opportunity to teach, while not allowing schools to skew test scores by not testing otherwise eligible students.

Schools are recognized for exceeding predicted academic growth and meeting other standards in a multi-tier system. "Gold Star Schools," those at least one-half standard deviation above prediction, are given cash awards. This includes $2000 for the school activity fund, $1000 for professional personnel and $500 for support personnel, adjusted for individual attendance.[40] Awards are not provided to individual teachers outside high-performing schools, because the Accountability Task Force thought this might undercut community and teamwork among school staff.[41]

Beginning in 1995, Teacher Effectiveness Indexes were calculated for elementary and middle school teachers; they were renamed "Classroom Effectiveness Indicators" later. This data is used to identify "needs" in the process of creating teachers' and principals' improvement plans for the following year.[42] Teachers and principals are then responsible for identifying how those needs will be addressed. Although classroom effectiveness indicators, especially if low for multiple years, may provide part of the data that is ultimately used in a termination decision, they do not stand alone in making that decision.

Statistical method of Dallas system

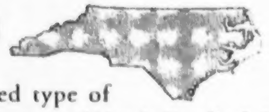
The Dallas system focuses on the gains of individual students, as aggregated at the classroom and school level. The idea is to predict how well each student can be expected to do based on previous performance and a host of personal and school factors. The degree to which students exceed this prediction is considered the value added by the teacher or school.[43]

The statistical method involves a two-stage analysis. Using multiple regression, student predicted and actual scores are adjusted for such factors as ethnicity, gender, language proficiency, and socio-economic status, creating residuals that reflect the difference between the expected and actual achievement. Then this data is taken through a two-level hierarchical linear modeling analysis to adjust for school-level factors such as mobility, crowding, overall socio-economic status, and percentage minority.[44]

To be recognized for comparable improvement, schools must exceed prediction as well as having at least one-half of the school's tested students outgrow the national norm group on the Stanford 9 in reading and mathematics.[45]

For classroom effectiveness indicators the student data, reflecting the adjustments for individual students and the school, are grouped into classrooms.[46] In addition to eliminating students who have not been continuously enrolled in the school, the classroom-level analysis does not include students who have had excessive absences.[47]

North Carolina



History and description

A value-added type of assessment is a key part of North Carolina's "ABCs of Public Education" accountability system. The State Board of Education developed the ABCs in response to the School-Based Management and Accountability Program, passed by the state Assembly in June 1996.[48] The ABCs system contains both a growth (value-added) standard and a performance standard. Elementary and middle schools have been evaluated since the 1996-97 school year, high schools since 1997-98.[49]

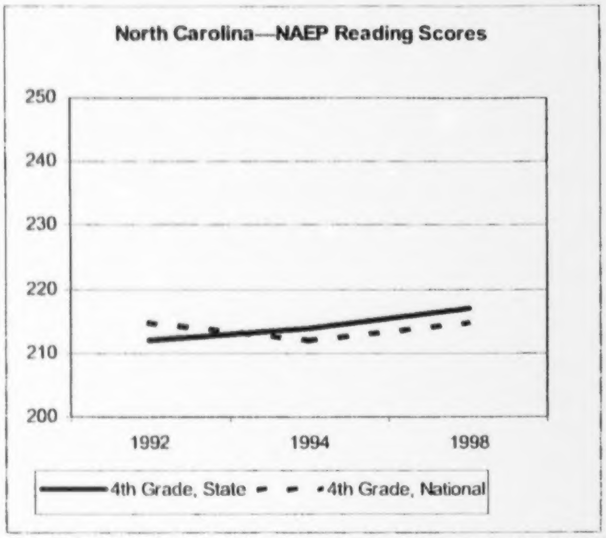
The ABC growth measure examines whether a school has met either expected growth or high growth standards, compared to a year selected as a baseline. Performance measures, in turn, look to what percentage of students in a school have met a certain benchmark. Together, the two measures are used for a comprehensive school recognition and classification program.

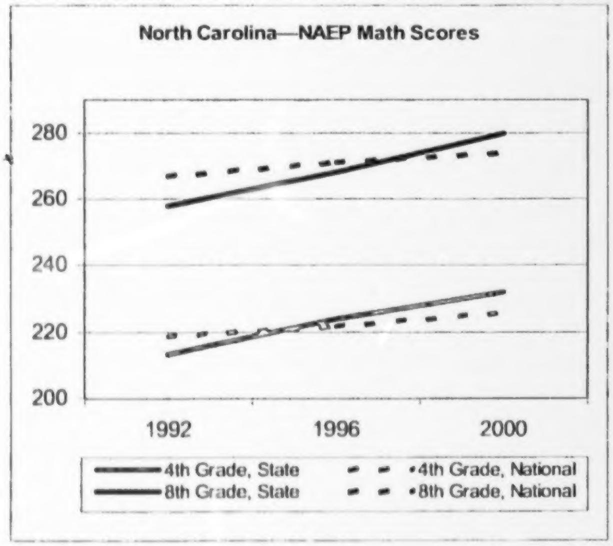
Recognition is provided to schools with high percentages of students meeting the performance standard, but cash grants are awarded to schools based on whether they make expected or high growth. Schools with high growth are awarded $1,500 per certified staff and $500 per teacher assistants. Schools making expected growth are awarded $750 per certified staff and $375 per teacher assistant.

Schools who do not make expected growth and who have less than 50% of their students reach the performance benchmarks are classified as "low performing schools." The State Board of Education assigns an Assistance Team to some of these schools and offers others assistance on a voluntary basis.[50] The Assistance Team is to review all facets of school operations and develop recommendations. This includes evaluating the certified personnel (principals and teachers), and may involve requiring staff to take competency tests or recommending the local board or state board dismiss staff.[51] In 2000-2001, 31 schools (out of 2,137) were identified as low-performing.[52]

Statistical method

North Carolina's testing system consists of two types of tests. Grades 3 through 8 are administered an End of Grade (EOG) test, a multiple-choice criterion-referenced test created by North Carolina teachers and the state Department of Public Instruction to correspond to the state's Standard Course of Study. There is also a pre-test at the beginning of Grade 3, which is used as a baseline for the Grade 3 EOG test. Students must have been registered at the school for 91 days to count toward school scores on the EOG tests.[53] At the high school level, standardized End of Course (EOC) tests are administered in 10 core subjects.


North Carolina—NAEP Reading Scores

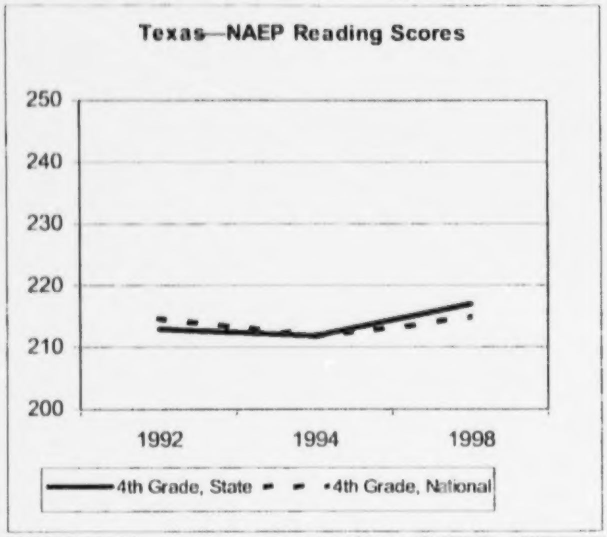

North Carolina—NAEP Math Scores

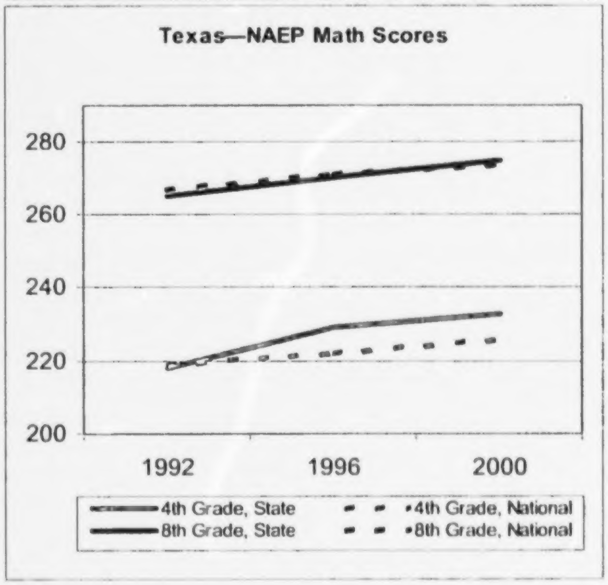
North Carolina's data analysis model was based on feedback from the L. L. Thurstone Psychometric

Laboratory at the University of North Carolina at Chapel Hill.[54] The core measurement for actual growth in grades 3-8 is the EOG average scale score of a matched group of students in two successive years. The school's expected growth is calculated from the state average rate of growth at a particular grade level in a baseline year. This state baseline is then adjusted to create the expected growth standard for the grade: first, for proficiency, based on an assumption that higher-performing students are likely to advance faster, and also for regression to the mean.[55] The difference between the actual and expected growth is then divided by the standard deviation to accommodate different score spreads in different grades, and weighted based on number of students. The "weighted standard expected growth" for all grades is added together to get the "weighted expected growth composite." If this number is equal to or greater than zero, the school is considered to have met the expected growth.[56]

For high schools, growth is measured in different ways. To examine growth on the EOC tests, a prediction is made based on the state average as adjusted by previous scores in a selected, logically related test: for example, the predictor scores for Algebra I are the 8th grade mathematics scores. This predicted score is subtracted from the actual average score, and the result is adjusted for variety in score spreads.[57] Other factors that are compared are the growth on a comprehensive test in grade 10 over the end of grade test in grade 8, percent gain in students achieving a passing score on a competency test, comparison of participation in college prep courses across two years, and comparison of dropout rates across two years. These weighted standard expected growth scores in each area are added together; if the composite is greater than or equal to zero, the high school is considered to have met expected growth.[58]

The calculation as to whether the school has reached high growth is similar, but the higher growth target (10% more in 3-8, 3% more in high school) is used for calculation instead.[59]

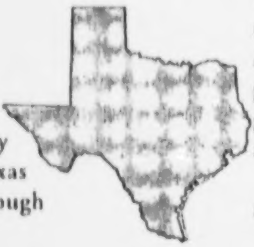




Texas

History and description

A value-added type analysis of schools, called Comparable Improvement (CI), is required by state statute as part of the Texas accountability system.[60] Although required since the current system was originally implemented in 1993, due to lack of student-level growth measures, it was not implemented until the 1995-96 school year.[61] Texas currently uses a criterion-referenced test known as the Texas Assessment of Academic Skills (TAAS). This test is administered to grades 3-8 and exit level in reading and mathematics, to grades 4, 8 and exit level in writing, and in science and social studies at grade 8.



In the 2002-2003 school year, Texas is implementing a new testing system known as the Texas Assessment of

Knowledge and Skills. Comparable Improvement will be calculated based on the new instrument, assuming appropriate measurements are available to assess year-to-year progress.[62]

Statistical analysis

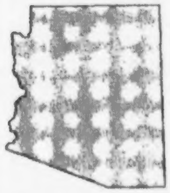
To calculate the CI, Texas Learning Index (TLI) scores are used, which show achievement both above and below the TAAS proficiency cut-off. To count in the analysis, students must be matched from two successive school years. Students scoring very high or very low are not included in the analysis, since the test does not adequately measure growth in students scoring at the extremes.[63]

For each matched student, the previous year's score is subtracted from the current year's score. If the result is zero, one year's growth has occurred; higher scores indicate more rapid learning. These scores are then averaged for the school in the categories of reading and mathematics.

For each school, Texas then selects a unique group of 40 schools that are most demographically similar. The characteristics used to select schools are percentages of students identified as African American, Hispanic, and White, economically disadvantaged, Limited English Proficient, and percent of mobile students. This comparison group is divided into quartiles based on their students' average growth. A school's Comparable Improvement is expressed by which quartile their school fits in. Thus, a school marked as Q1 is in the top 25% of schools in that particular group. A separate quartile assignment is given for reading and for mathematics.

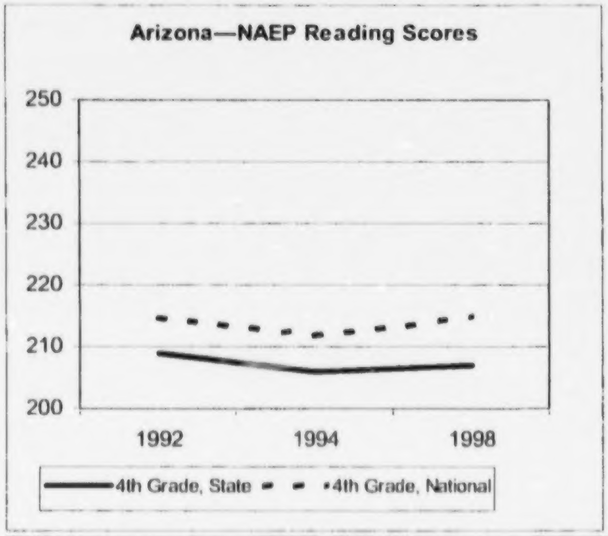
Arizona

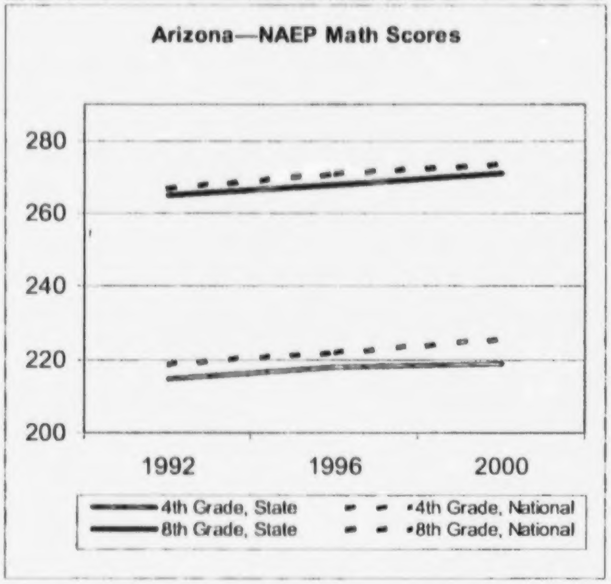
History and description



The Arizona Department of Education's Research and Policy division developed a Measure of Academic Progress (MAP) in an effort to add a value-added analysis to the state's reports on school test scores. The concept was inspired by the TVAAS system,[64] but uses a relatively simple statistical analysis. The report has been issued since the 1998-99 school year.

Originally MAP was a staff initiative. Subsequent laws on education in Arizona (particularly Proposition 301, passed in November 2000) have made academic progress a necessary part of school accountability and of developing proposals for performance-based pay scales.[65]





MAP provides only a school ranking system, although with the relatively simple analysis involved, a teacher or principal could easily calculate the data at the classroom level.

In the first year MAP also included a Star Rating system, under which grade levels in schools were segregated into five groups based on where their adjusted growth score was in relation to others. Thus a score of five stars meant the grade level performed better than 80% of others, while a score of one star meant the grade level is in the bottom 20% for the state.[66]

The statistical simplicity of the MAP system has made it easy to explain to participants; the tradeoff for that simplicity has been a lack of precision. However, the data has proved useful in shifting the focus of education debate from absolute scores to student growth.

Statistical method

MAP is based on Stanford 9 scores, a nationally available norm-referenced test, for grades 2-8 in reading and math. The challenge for staff proved to be finding a way to match students, since no identifying numbers are used. Students are matched based on last name, first name, date of birth, and gender. Students can only be counted if they took the test in the same school two years in a row.[67] Thus, there is no measure of progress for the first year of junior high or middle school.

The statistical analysis of student scores, however, is quite simple. Originally, the analysis required calculating the mean scale score of all students in one grade, then subtracting it from the mean scale score of those same students in the following grade the next year. These scores were then standardized to adjust for regression to the mean, based on the greater ease schools with lower absolute test scores have in making gains.[68]

As originally conducted, the analysis looked to whether each grade level at the school had, on average, achieved one year's growth (OYG). The OYG standard was set by calculating the number of points on the developmental scaled score between one grade and the next at the 50th percentile. Thus if the 3rd grade 50th percentile mark on the scaled score was 599 and the 4th grade mark was 625, the OYG standard is 26. A grade level at a school would then meet the OYG standard if its adjusted gain was 26 or greater.[69]

Due to statute, the form of the analysis was changed starting with the 2000-2001 school year. Instead of looking at the average gain, MAP now examines what percent of students within a grade attain OYG, as measured by their position in stanines, a nine-point scale commonly used to report standardized test results.[70] Under this new system, a student who is in the same stanine score or higher as in the previous grade is considered to have achieved OYG.[71]

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DISTANCE LEARNING

Definition and description of distance learning

For most of human history, education has meant one of two things: a teacher instructing a student face to face or a person acquiring knowledge on his or her own. Beginning in the 1830s with the development of regular mail service, a hybrid of the two appeared in correspondence courses, offering prepackaged study plans and, sometimes, a measure of accountability or certification. Yet the slowness of mail service and the difficulty of communication made correspondence courses a solitary learning enterprise, one generally considered vastly inferior to in-person education.

In the 1960s, the development of videotaping added a new dimension to correspondence courses. Now students could watch the lectures, see demonstrations, and "visit" distant locations. Still, opportunities for interaction remained limited.

Personal computers and the development of videoconferencing in the 1980s made it possible to transfer greater amounts of information more quickly and added the possibility of human interaction. Nonetheless, most of the equipment was either prohibitively expensive, difficult to use, or limited in format. This restricted use to well-funded institutions and to students with technological savvy.

By the late 1990s, the Internet had become user-friendly and commonplace, especially among young adults. Suddenly, the technology necessary to provide information in any format and to allow interaction for students and teachers was widely available. It became familiar and relatively inexpensive, making distance learning an integral part of education's future.

The objective of this study is to examine how new developments in technology can enrich and expand traditional K-12 education opportunities. Strictly mail-based correspondence courses are omitted, as are purely independent study courses with no accountability. The focus is on technology-based courses providing for interaction between an instructor/supervisor and a student over a distance.

The potential for distance learning

Does distance learning really have potential to change the face of education, or is it just a cool new toy? The answer to both is yes . . . in part. No amount of technology will fundamentally change the thinking process of students, the benefits of personal interaction, or the power of a great teacher. But distance learning can dramatically affect how education is produced and delivered. It increases the access of course offerings to a broader segment of students and ultimately expands the definition of public education.

Traditional education delivery systems operate within geographical confines. A student enrolls in one school and takes the courses offered at that school. Nothing else. Distance learning provides students with the opportunity to choose from courses offered by multiple institutions around the country and around the globe. The individual student is empowered to seek a course of study uniquely geared to his needs, abilities, and interests. As pointed out by one researcher, educators have finally realized that they can no longer just offer the courses and expect people to enroll in the classes. They have realized that education is a product and that they must sell the product to the student.[1]

Some may criticize the multiplication of course options as unnecessary. Educators and students trying to choose courses may be bewildered by the variety. How many options for studying *Algebra I* does a student really need?

Research provides irrefutable evidence that students have different learning styles, needs, and goals. With distance learning, they are no longer limited to the teaching methods and schedules provided by a single institution or person. Perhaps they will find that a single institution, in person or online, meets all their needs. Or maybe they need to supplement a traditional schedule with one or two courses from an online provider. Perhaps they will want to select from multiple providers. Whatever students prefer, they now have that option.

Distance learning provides students with the opportunity to choose from courses offered by multiple institutions around the country and around the globe.

Distance learning can provide a powerful tool for teachers. It allows course offerings, supplemental material and access flexibility previously unavailable in the average classroom.

Distance learning helps move the locus of power in education from an institution to the student and his or her teachers—a powerful change indeed, but one that will not be without controversy and turf wars.

Impetus for a long overdue redefinition of how we measure education may be provided by distance learning and its related legal and functional concerns. Mandated seat time becomes mostly irrelevant. Entire classrooms of students no longer need to progress essentially at the same rate, doing the same thing. As one witness to the Web-Based Education Commission put it, "If we are to be required to assess educational quality and learning by virtue of how long a student sits in a seat, we have focused on the wrong end of the student."[2]

Online education is not necessarily cheap. Initial design and presentation of an online class will be as time consuming as any traditional class, often more so. Technology must be purchased and maintained. Teachers and students must be trained in its operation. Yet, in the long run, it allows for greater efficiency and competition, which in turn will lead to reduced costs. As expertise and equipment become more readily available, costs related to distance learning should decrease.

Groups from teacher unions to rural school boards to homeschoolers are excited about the potential of distance learning. The remainder of this study will examine how that potential is being turned into reality.

Delivery methods

Non-internet based technologies

The simplest kind of technology-enhanced distance learning is a prerecorded video or audiotape. These may be distributed individually, or through local access cable or public television. One step beyond this is a live presentation over the radio or through satellite and cable. These may be further enhanced by the use of conference calls so students can give feedback and ask questions live.

An example of a system offering live video through satellite is the STEP Star Network, a program based in Spokane, Washington, offering programs for subscribing school districts that range from foreign language courses for primary students to professional development for teachers.[3] Using conference calls, classes are able to give verbal feedback. For the receiving school, the only equipment needed is a television, cable line or satellite dish, and a telephone.

Two-way videoconferencing is the highest end option. This requires a major equipment investment on both ends. The Washington K-20 network is making videoconferencing technology available between school districts, universities and other key locations, allowing even small, rural school districts to have this opportunity.

As the internet becomes more ubiquitous, it is rare for any of these technologies to exist without some web component, even if it is only a simple website listing the course schedule. Similarly, Internet technology is increasing the ease of distributing video and audio content.

Internet courses using synchronous computer-based instruction

Synchronous instruction occurs when the teacher and students are interacting live. This can take place at multiple levels. A chatroom allows live interaction, but only at a text-based level. This requires the students and teacher to be quick typists, and limits the types of instruction to those that can be communicated through text alone. Usually chat-type instruction occurs as a supplement to other communication methods, such as independent reading assignments or even videotaped lectures. Chat also provides a means for students and teachers to make connections outside of scheduled class times, greatly diminishing the isolation of distance learning. Software enabling basic text chat is widely available for free, making this a highly accessible enhancement to distance learning.

Chat is the bottom rung in synchronous computer-based instruction. Applications such as ClassPoint now allow live video and audio of the teacher and students, live chat, file sharing, and a shared whiteboard to be used simultaneously. Teachers can set up interactive quizzes to gauge how the class is progressing and students can "raise their hand" to ask questions. The class may include an instructor-guided tour through web pages. Such software creates a full classroom experience not bound by location.

Internet courses using asynchronous computer-based instruction

High-end videoconferencing software may make the greatest demos, but *asynchronous* instruction, where students and teachers do not interact live, creates an education experience unique to the Internet. Asynchronous instruction is not bound by space or by time: students can log on, do coursework, and contribute to discussions whenever they have the most time or interest. Using asynchronous technology requires no special software or equipment at the receiving end—any computer with Internet access will work. This makes it efficient to use even if only one or two students at a given location are taking the class.

On the course creation end, asynchronous instruction can be as simple as class assignments posted online, with class work posted and discussions conducted via email. Or it can involve the use of course creation software, such as Blackboard, posting schedules, delivering content, tracking homework and grades, and providing threaded discussion groups. Course content may be delivered by books, online text with links to websites for research, cd-rom, streaming video, animations, or interactive demonstrations. Course schedules may have frequent, strict deadlines or be learn-at-your-own-pace.

In short, asynchronous computer-based instruction is probably the most widely used category of distance learning and the most varied. It ranges from simple courses posted on rudimentary websites as a hobby, to slickly packaged, for-profit online schools offering a complete, accredited high school curriculum.

Distance learning in K-12 education

Distance learning over the web got its initial push from higher education. Colleges competing for students found distance-learning options an attractive selling feature, especially for older students working on furthering their education while keeping up with their jobs and families. Yet the flexibility and options created by distance learning appealed to those reaching a younger audience as well, especially as Internet technologies became more widespread and familiar. *Virtual schools*, public and private, began appearing in the mid-90s; by 2001, a study by the Distance Learning Resource Network listed more than 100 resources for online courses.[4]

Distance learning providers

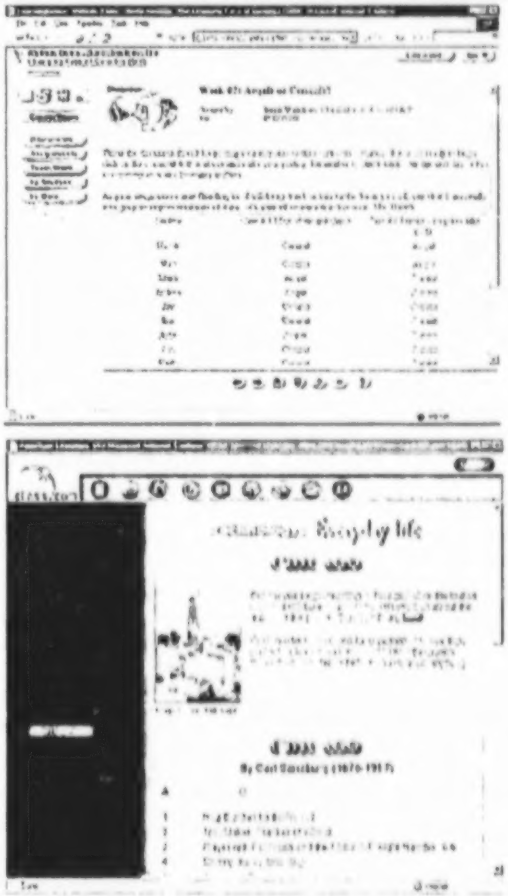
A virtual school has been defined as "an educational organization that offers K-12 courses through Internet or Web-based methods."[5] Although grade levels are expanding, the focus is still on providing courses for high school students, who are more likely to be capable of the technological navigation and independent study skills usually needed for an online course.

Discovering exactly how many students are enrolled in online courses is difficult, since students may be enrolled in multiple courses offered by multiple providers, but the estimated number for 2001-2002 was between 40,000 and 50,000.[6] Only 21.7 percent of providers offer a full high school diploma program; the rest offer individual courses.[7]

The cost of virtual education ranges: virtual schools organized as public schools may be free of charge to qualifying students, while some private schools may charge as much as $9,000 a year.[8] The average cost for a semester course is under $300 per course.[9]

Virtual high schools are offered by a variety of providers. Several states have created virtual schools at the state level. These schools typically focus on providing supplemental or alternative courses for students enrolled in the public schools of that state. They are generally available at no charge to the schools. Perhaps the best-known of these is the Florida Virtual School (FVS),[10] a program dating back to 1997 and offering 66 courses to over 8,000 students. Although FVS is free of charge to Florida students, the courses are also offered for a fee to out-of-state students. Students graduate not from FVS, but from their local school district.

Screen shots from distance learning courses



Several universities have long offered correspondence courses for high school students. With the rise of the Internet, many of these have switched to an online delivery system, sometimes nothing more than posting the assignments online and receiving papers by email. Others may have elaborate online interaction and course delivery. These programs often offer a complete diploma and most often appeal to homeschooled students. They may also provide AP classes for students in regular schools. An example of a high school degree program offered by a university is the University of Oklahoma's Independent Learning High School.[11]

Sometimes schools or districts band together to share courses online. These consortia usually are focused on providing supplemental classes or alternative schedules for students at the participating schools. Teachers can offer specialized classes for a small number of students—something that would be impossible in most local schools. A participating school will provide classes, and it will allow students to take classes from teachers at the other schools. The Virtual High School (VHS),[12] a consortium of schools around the United States and world, offers over 100 different courses to students in participating schools.

Virtual schools based out of local education agencies (local school districts) tend to focus on serving the needs of students located geographically within the district, often requiring face-to-face interaction at some point. They offer the opportunity for students to make up credits, to work out scheduling difficulties, or to accelerate their studies. They may also try to offer opportunities for dropouts, expelled students, or homeschoolers. Often schools will offer only a few courses online as their focus tends to be on supplementing rather than replacing a traditional course load. For example: SK Online[13] provides courses primarily for students within the Salem-Keizer school district in Oregon; the course listing is extensive but is not a complete diploma-granting program. Students already attending school in the district register through their local schools.

Local school districts or state agencies may also create chartered virtual schools. These schools generally do provide a full diploma-granting program, unless they focus solely on lower grade levels. Since they are public schools, they are usually free of charge to students living within the geographic area. Electronic Classroom of Tomorrow in Ohio even provides the necessary computer equipment free to students.[14] These schools tend to be marketed toward homeschoolers. This has generated concern among many homeschooling groups, since students in these electronic classrooms are back in the same environment homeschooling parents fled.

Virtual schools are also created by private companies. Some have some form of accreditation, but many do not. Content varies widely, from traditional correspondence schools with a website, to content specially designed for online delivery. A few break the mold entirely: A private company called Willoway delivers courses through a 3-D virtual city that students help construct.[15]

Although many virtual schools construct their own courses using basic internet technology, others use the software and even course content provided by private companies. Course management software is common: it provides a way to organize class materials, assignments, messages, and tests easily.[16] Often the course management software will host the content. Companies may also offer full courses: for example, Apex Learning provides online AP (Advanced Placement) courses.[17]

In traditional education, the difference between a teacher and a textbook is easy to spot. In distance learning, the line may become blurred. A provider may offer a distance-learning course that is roughly the equivalent of a textbook—the student may study materials independently, or another entity may provide a course teacher, whether online or in-person. Or providers may offer varying levels of support to students that at some point rise to the level provided by a classroom teacher. A student may have an online teacher who guides the entire online class, an in-person teacher who supervises his or her independent study, or both.

Distance learning in practice

Distance learning typically brings to mind the image of an individual student working on his or her own. This is still a common model, but there are many variants, as well as many purposes for which students use distance learning.

Individual courses are usually offered for students whose academic needs do not fit into the normal school schedule. More than 72 percent of virtual schools offer remedial courses; over 60 percent offer advanced placement courses.[18] Online AP courses allow students to pursue college credit even though their school may not be large enough to offer an AP course in the topic that interests them.

Virtual schools also offer core high school courses. Students may take these courses to resolve scheduling conflicts, make up credits, or advance their pace. Full core programs accommodate the needs of medically fragile students, students in juvenile correctional institutions, and student athletes and performers. Some virtual schools may offer college courses with dual enrollment so students can gain high school credit at the same time. Many offer specialty electives that allow students to take courses that would never draw enough interest to be available in a local school building.

Within a public school, students are often assigned a particular class period to work on a distance-learning course and usually have some sort of on-site supervision. They are usually able and expected to log on after school hours to continue working on their assignments.

Some distance-learning courses may be designed for full class participation. For example, the STEP Star Network has language classes designed for a whole elementary class to participate at once, guided by their regular teacher.

The technology of distance learning may even be used to supplement a live class. A teacher may post assignments online, offer quizzes, or even host a discussion board. Although not technically distance learning, the crossover of this technology into the traditional classroom demonstrates some of the power of distance-learning methods.

Online resources may also be used within a traditional classroom setting. For example, museum websites may post portions of their collections online. Government websites may provide access to archives of photos, documents, and video; develop learning activities; or even set up live interaction for students, such as is done with the NASA Quest program.[19]

Programs that offer a high school diploma entirely online are usually targeted to students who would otherwise homeschool. This is true whether it is a program offered privately or one offered by a public education entity. Homeschooling secondary students often seek a way to get an accredited diploma, making distance learning particularly appealing to them. Public education providers sometimes also try to appeal to school dropouts.

Regulatory challenges

Teacher certification issues

Public schools can only hire teachers who are certified in that state. In operating a distance-learning program, a school cannot *hire* a teacher from out of state. One way public schools have dealt with this challenge is by forming consortia, where rather than *hiring* out-of-state teachers, schools collaborate, exchanging teacher time in one online course for student slots in courses taught by teachers in other states. Distance learning is also often characterized more as the purchasing of individual courses, rather than as the hiring of any teacher involved. Nevertheless, the state may need to reevaluate its certification requirements to ensure they provide sufficient flexibility for schools seeking distance-learning options for their students.

Standards

The free-for-all nature of the Internet is reflected in the variety of quality in distance-learning content. Some distance-learning courses are merely lists of reading assignments in a textbook, or lists of links to websites on a particular topic. Others are carefully crafted courses integrating text, appropriate illustrations, animations, extra research, quizzes, independent assignments, and frequent interaction with teachers and other students. This may provide a learning experience that equals or exceeds that which can be provided in a traditional classroom

In this diversity, how can educators and parents ensure students are getting a high quality learning experience? Some consider the variety of options a problem in the making and are considering a call for national standards or regulation of content providers. But this approach is likely to undermine the great strength of distance learning, which is its broadening of the marketplace to give learners exponentially more choices than ever before. Ensuring high quality is imperative, but should be done through measures that strengthen rather than hamper the marketplace, and that enhance local control of education.

Differences in state standards do pose a difficulty for distance-learning providers, but textbook providers face the same challenges. Rarely do dramatic differences exist between state standards overall, although there may be slight differences in sequence or emphasis. States manage to select appropriate textbooks off the shelf without too much difficulty.

Private companies designing material for online presentation have even more ability to adapt than do textbook publishers, since they can set up programs allowing teachers to subtract, add, or rearrange content.

In choosing an online curriculum, selectors need adequate information about curriculum standards, instructional models, hardware requirements, technological support, teacher training, and cost per learner hour of use.[20] As curriculum selectors insist on having this information, curriculum providers will be forced to supply it. They may find it advisable to create a voluntary rating system to make it simpler for selectors to spot quickly the programs they want to use. Third-party reviews of programs will also be important, as they are currently with other computer applications.

In Washington state, evaluation of courses is generally done by individual school districts, as part of their curriculum selection process. Local educators are best equipped to determine which learning options fit the standards and needs of their students.

Measuring attendance

Education has often been measured in *seat time*—how many days for how many hours a day a student sits in class. It may be the easiest verification measure for student learning, but, as we already know, it is far from being the most accurate. With distance learning, seat time no longer is a relevant measure. Students can study anywhere they can log on to the Internet, and any time that fits into their schedule. Their pace may match that of a traditional classroom, or move much faster or slower.

Distance learning makes attendance as such difficult to measure. Although computer programs can track when a user logs on and logs off, and even measure how frequently the user interacts with the program, many programs do not measure use with this level of detail. Even those that do cannot verify the student has logged on himself, rather than handing off the password to another person. And there is no way to measure time spent doing independent projects that involve working away from the computer.

Implementing distance learning will require adjusting the definition of education from hours logged to knowledge gained. Washington law requires students to attend school a minimum of 180 days a year, and requires the district to make available an average offering of 1000 instructional hours.[21] For granting high school credit, school boards are permitted to recognize alternative learning activities instead of a designated number of hours in a class.[22] School boards must also adopt policies indicating how they will accept credit from distance-learning courses.[23]

Implementing distance learning will require adjusting the definition of education from hours logged to knowledge gained.

Making distance education a viable option for students, then, falls primarily on the school board to determine what offerings correspond to district standards. Legislators may also need to consider whether the 180 day/1000 hour requirements allow sufficient flexibility for students learning at their own pace.

Copyright problems

Copying and distribution of copyrighted materials in the classroom is allowed under three exemptions in federal copyright law. Teachers may display or perform any work in the classroom setting as long as they have a legal title to the work:[24] thus a teacher could show a full-length movie in the classroom, as long as the teacher had legitimately purchased a copy. Teachers in a government or nonprofit setting can distribute non-dramatic works (text, images) to students at distant locations if those locations are also classrooms or special circumstances prevent the recipients from attending classrooms.[25] The other exception is the general *fair use* exception allowing uses of copyrighted material that do not threaten the value to the copyright holder.[26]

In a distance-learning setting, the appropriate uses of copyrighted work may be different. No specific exemption allows the display or performance of a dramatic work in a distance-learning setting. A teacher who made a particular movie or video presentation an integral part of an in-person class might be unable to translate it online.

Even the section of the law that allows some distance-learning applications is fairly limited. It only applies to non-dramatic works. For-profit education providers cannot take advantage of it, and for-profit companies are a significant part of the distance-learning marketplace. Further, the exception seems limited to students who have some reason for being unable to attend a regular classroom, even though many students choose distance learning out of preference rather than necessity.

The primary options for distance-learning providers in using copyrighted materials, then, are *fair use* and purchasing licenses. *Fair use* likely will allow for short excerpts from printed works, links to the copyright holder's website, and perhaps even short video and audio clips. It probably would not encompass distributing an entire movie online, because of the danger of piracy; and it might limit how much a teacher could display copyrighted images. Obtaining licenses may sometimes be a viable option, but often the cost demanded for web use would be prohibitively expensive, or the copyright holder cannot be found.

The copyright office is considering changes in the law to reflect technological advances, while limiting uses to those parallel to a traditional classroom: only to designated students, limited time for access, etc.[27] Technological changes may also influence future changes in the law. As technologies develop allowing teachers to display files without giving students the option of pirating them, more flexibility may be available. And the market may also develop licensing options that will make it easier and more affordable for teachers to use the good work of others.

In the meantime, distance-learning providers still have the *fair-use* provision, which will allow for many uses similar to a traditional classroom. But both educators and students must be aware of the need to respect the copyrights of others, something easy to ignore with the ease of accessing and copying information over the Internet.

Logistic challenges

Prerequisites for student success

Most of the skills required by distance learning are important to student success in any setting: strong reading and writing skills, independent motivation and discipline, abstract reasoning. But in the distance-learning environment, there may be less flexibility for students who are lacking in one of these areas. Without the physical presence of a teacher, students need to be internally motivated and disciplined.

In most distance-learning settings, reading and writing are the primary means of learning. Students who do not communicate well through these means are unlikely to have alternative ways to learn or demonstrate their knowledge. The emphasis on reading, writing, and navigational skills, and on the abstract over the concrete, also tends to limit the ages of students able to handle online learning. Few programs are available at the elementary level, and those that are generally require heavy involvement by a parent or teacher.

Yet as technology improves, distance learning begins to approximate the traditional classroom. It now has increasing options for different learning styles. Graphics, videos, and animations can make the online classroom even richer visually than the traditional classroom. Streaming audio and online meetings are becoming more common. Assignments may allow students to create slideshows or websites to demonstrate their knowledge.

Most of the skills required by distance learning are important to student success in any setting: strong reading and writing skills, independent motivation and discipline, abstract reasoning.

The prospect of working on the computer or at his or her own pace may also provide motivation for students who might be unmotivated in a traditional classroom setting. And a supervisor on the spot, whether a parent or teacher, may provide accountability and help with study skills.

Funding for distance learning

Distance learning may be able to dispense with the overhead of a bricks-and-mortar school, but it has its own overhead. Courses must be designed and programmed, a process likely to take significantly longer than designing a traditional course.[28] Course management software cuts down on the time needed to set up a class, but is its own expense. If the class is designed to provide teacher interaction with students, it will likely require as much or more teacher time than a traditional class.

The technology required to conduct the class is also expensive. Hardware and software costs are not a one-time expense: they need continual upgrading and maintenance. High-bandwidth internet access must be provided. Teachers need to be trained to teach or supervise distance learners, or to integrate other internet resources into the traditional classroom. Whether distance learning proves more or less costly overall than traditional education will depend on the form it takes.

Costs to students tend to vary in the same way traditional education does. Public school courses are often free or very low cost to students within the school's jurisdiction. Courses offered by private, non-accredited organizations, especially those with little teacher/student interaction, are also fairly low-cost. Accredited private schools and those with high amounts of teacher involvement tend to be fairly high cost.

Funding distance education in public schools is a challenge. Traditional funding mechanisms, tied to salaries, mandated student/teacher ratios, and buildings, do not leave much money free for purchasing technology or funding distance-learning courses. Some states, such as Florida and Kentucky, fund state-level virtual high schools through special appropriations in the state budget. In Florida, the courses are available free of charge to in-state students; in Kentucky, the district must pay $300 tuition per student.[29]

Pennsylvania has several online charter schools. If a student elects to attend one, the student's local school district is required to pay the student's tuition. This funding mechanism has created some friction between school districts and charter schools, with some districts suing the charter schools or simply refusing to pay.[30]

Implementing distance education will require adjusting budgets to allow the investment needed in technology and training. It will require arranging cash flow so local schools will have incentives to support distance education when appropriate. Distance learning is not likely to result in an immediate cost savings; rather, it will immediately provide more opportunities for students and teachers. Most importantly, it may provide the impetus for education funding to be tied, not to programs or structures, but to a result: an educated student.

Teacher involvement

Today's students may be relatively comfortable using technology for learning, but their teachers are not. In 1999, almost two-thirds of teachers reported feeling not at all prepared or only somewhat prepared to use technology in their teaching.[31] To present a course online, help students choose online courses, or supervise students taking online courses, teachers will need to be comfortable with the technology and savvy about the value of different options.

Along with creating a need for teacher training in technology, distance learning also creates a possibility for fulfilling the need. Teachers who have a rudimentary understanding of technology can use distance-learning courses to enhance their skills, with relatively low cost and schedule disruption. Continuing education courses in using technology are usually the first topic to be offered to teachers on a distance-learning basis.

Technological requirements

Providing distance learning requires answering several questions about technology. Who is going to provide the equipment? Who is responsible for keeping things running? What happens when things break down?

Under some models of distance learning, particularly public charter schools, the school itself provides the equipment and support for full-time enrolled students, including the computer in the home. Since students are enrolled off-site, providing computers in a way replaces school infrastructure and may be a necessary part of a fully-funded public education—although keeping tabs on the computers may be a challenge.

When students at traditional public schools take individual courses online, lab time and general support are usually provided by their local school, although they may often be expected to log on from home as well. Homeschooled students enrolled in distance learning generally have to provide their own equipment and only get support from the course provider for the provider's own software.

Security

An ongoing problem of distance education is verifying that the registered student is in fact completing the work, and on an appropriate timetable. Online courses can often verify how often students log on and provide easy methods of tracking assignments. They cannot verify whether the person using the student's user name and password is in fact the registered student.

Some virtual schools that only make themselves available to students in a limited geographical region may require students to come take tests in person. Others require students to have final exams proctored. Where students are taking courses through their local school, the school can provide verification. Mostly, distance-learning courses rely on students and parents being honest, sometimes supplementing with informal checkups by phone or email.

Distance learning in Washington

Washington state laws and policy make distance learning primarily a local concern. School boards are required to adopt policies on how they will accept credit for distance-learning courses.[32] Local districts are free to grant full high school credit for distance-learning courses, and they may still count students as full-time students for appropriations as long as the school district is still planning and supervising the learning experience.

95 percent of the instructional classes in the state have Internet access in the classroom.

In addition to school districts approving individual courses for distance learning, they may offer students an *alternative learning experience*.[33] This operational option, often used for alternative schools for at-risk students, can also be used to allow the school district to provide online courses and supplemental activities for families who would otherwise homeschool full-time. Under these regulations, teachers must periodically review the student's progress, and the student must either attend school at least five hours a week or have one-on-one meetings with a teacher once a week. The districts can then count those students for the purpose of obtaining funding.

Washington has a high rate of Internet availability. According to a March 2001 building technology inventory by OSPI, 95 percent of the instructional classes in the state have Internet access in the classroom.[34] Use of that access for distance learning is still fairly limited, however. The survey found 3,432 K-12 students–out of more than a million–enrolled in online courses. An online survey conducted by OSPI during October and November of 2001 found 25 percent of secondary schools to have students enrolled in online courses during the 2001-02 school year.[35]

State technology initiatives have tended to focus on providing the equipment needed. For example, the K-20 Network in Washington provides a high-speed telecommunications backbone between public school districts, colleges, and now extending to libraries. It allows Internet access and two-way videoconferencing between sites. Rural schools, especially, have made use of the network: 57 percent of the videoconferencing use is by rural schools.[36] One way districts have used the K-20 Network is the Washington Virtual Classroom, a project of several rural districts to offer cooperative classes through video conferencing.[37]

Washington state has no state-level virtual school or similar program. It does have some online purchasing agreements with content providers, including WebEd, which provides online professional development, and NovaNet, which provides secondary-level curriculum. The Digital Education Task Force, a group appointed by Governor Gary Locke in February 2002, has drafted a report recommending the creation of a Washington Digital Learning Commons. This would provide a web portal with digital curriculum resources, tools for students and teachers, and online classes.[38]

For the most part, however, the development and use of distance learning will probably remain a local matter. Following are some examples of how distance learning is being implemented in Washington state.

Wellpinit School District

Wellpinit School District serves 440 students on the Spokane Indian Reservation in eastern Washington. For the past three years, Wellpinit has offered students the opportunity to take courses online. In the 2001-02 school year, 160 students in grades 5-12 took 63 different courses. Wellpinit purchases these courses from various providers, including Laurel Springs School, Brigham Young University, North Dakota Division of Independent Studies, the University of Missouri, and NovaNet.

Wellpinit pays for online courses out of the general fund and through grants aimed at funding technology. Teachers are paid to supervise the course out of ordinary salary allocations. Costs for courses vary, with NovaNet costing $100 a month for every workstation used, while university courses cost around $90 per credit.[39]

Students are referred to distance-learning courses by advisors or teachers; as students have become more aware of the program, they often come to request online courses.

Elementary students taking an online course, generally for advancement or enrichment, work at it in their regular classroom during the school day. Secondary students have an assigned class period to work on online courses in a supervised setting. They may be taking classes to make up credit, take an elective not offered by the school, or for honors classes. Course offerings include AP and college credit courses.

The "global classroom" for taking Internet courses provides 15 workstations in carpeted cubicles. Supervising teachers can monitor student activity from their own workstations. Stations used during the day for the students at the regular school are often used after hours by students in the alternative program.

According to Joni Scott, the curriculum coordinator, students are expected to take responsibility for scheduling their time and completing courses. She considers the online option to have helped Wellpinit achieve its 0 percent dropout rate–with the flexibility to make up courses, students are given hope that they can finish school.[40] In addition to the use of online courses at the district's alternative high school, students can opt for a supervised home-study program, in which they take all courses online through a computer provided by the district.

Wellpinit also participates in the Washington Virtual Classroom, a network of small rural districts using the K-20 Network to collaborate on classes. Wellpinit students are taking Washington State History through the Virtual Classroom, and several are participating in an ASL class taught by a teacher in Vancouver, at the Washington School for the Deaf. Through two-way videoconferencing, students are able to take onsite a course the district would not otherwise have the resources to offer.

Superintendent Reid Riedlinger sees the strength of the online courses as providing a way to meet the needs of all students, whether dropouts or not. "It's what the world's going to—individualized learning," he says.

NEVAC Online Courses

The Northeast Vocational Area Cooperative (NEVAC) is a consortium of school districts in the upper Puget Sound region offering students the opportunity to enroll in an array of vocational courses that may not be offered at their local school.[41] Among those courses are several programming courses offered online to students within the NEVAC districts. Students sign up through their high school counselor and can take the classes free of charge.

The online courses are created by local staff, with four to five people working on a course. An online teacher supervises and grades student work. Depending on the local school situation, students may take classes on their own time or have school time allocated for it.

Internet Academy, Federal Way Public Schools

The Federal Way Internet Academy, operated by Federal Way Public Schools, provides online courses to both homeschool and public school students. It operates under nearly the same policies and procedures as other schools in the Federal Way School District, reporting student enrollment and teacher work based on the online courses.[42]

The Internet Academy teachers develop many of their own courses. They also lease some courses from Academic Systems and Compass Learning Odyssey. In turn, some of their courses are leased by other schools. Classes are available for grades K-12, but a full time program is available only in grades 3-12.

The Federal Way Internet Academy, operated by Federal Way Public Schools, provides online courses to both homeschool and public school students.

A total of 410 students are enrolled in the Internet Academy, with 170 enrolled K-8 and 240 enrolled 9-12. Students may be taking anywhere from one to five courses; 42 percent are enrolled full time, taking five courses. Forty percent of students have identified themselves as homeschooling.

The Internet Academy has a physical site, with a computer lab students may come in and use. Teachers have office hours on site during which they are available to students by phone or face-to-face; they can also do some of their work from home. One teacher underwent treatments for breast cancer during her first year of teaching at the Internet Academy, and appreciated the flexibility afforded by teaching online.[43]

Out-of-district students who wish to take an

Internet Academy course must request a transfer from their home district. The Internet Academy reports Washington students for state funding based on the number of classes in which they are enrolled; students from outside the state must pay $250-$295 per course. Since Internet Academy does not award diplomas, students who wish to earn a diploma must make arrangements with their local school to accept the credits.

Sky Valley Education Center, Monroe Public Schools

The Sky Valley Education Center is a part of the Monroe School District, serving over 380 students in 1st-12th grades. Under Washington State regulations, it is classified as an alternative learning experience.[44]

The alternative learning experience rules require a written learning plan for each student, which must be periodically reviewed by school staff. Students are also required to attend school at least five hours a week. Sky Valley sets a maximum of fifteen hours per week of in-person classes.

Students in 1st-8th grades tend to spend less time on site, and most of their time is spent working with their parents to fulfill their individual learning plan. In addition to on-site classes and instruction at home, students in 9th-12th grade have the option of taking distance-learning courses from Class.com, a spin-off from the University of Nebraska. Students may earn a high school diploma. Onsite courses include a wide variety, from language arts and math, to Irish dance, drama, and hands-on science.

Bill Hainer, principal of Sky Valley, estimates that the education center operates at about two-thirds the cost of a traditional program. Although he sees this as a tremendous opportunity for cost savings, he says others perceive it as an increased cost, because alternative learning programs draw students who might otherwise not be in the public school system at all. As a result, he says, "There is a clear tolerance for these programs from the State Superintendent's office, but virtually no support."[45]

Hainer indicates that state regulations have unintentionally created difficulties for them. For example, the alternative learning experience regulations explicitly prohibit participation by home-based students. Usually, home-based students can enroll part time at a public school for an individual class, like band or Spanish. But because of the regulations, such students cannot take an individual class at Sky Valley unless they are willing to enroll full time.

Another difficulty is the state's method of measuring class size. Sky Valley has only a handful of teachers relative to the student enrollment. But because students only participate in a few classes a week, actual class sizes are quite low—about ten or eleven per class. The state measures class size based on the staff/student ratio, not how many children are actually in a classroom. A small district with a large alternative learning program could have its reporting ratios skewed to the point that it would reduce its state funding. Sky Valley addresses this problem by starting two weeks late so that its students are not counted in the Monroe School District's class size report for the year; it then reports the students at a different time to receive state funding.

Hainer, who has helped other districts start alternative learning experiences, identifies the two keys to a successful alternative learning program to be school district support and parent support. He sees the alternative learning experience option as a way to bring people back into the system. "We're expanding the definition of public education," he says.

Recommendations

Streamline regulations to provide the maximum opportunity for distance learning.

The legislature and the regulatory institutions for education—the State Board of Education and Office of the Superintendent of Public Instruction—may someday decide to modify regulations to address web-based learning more directly. Current regulations in Washington primarily leave it up to local school boards to establish distance-learning policies, ensure alignment with state standards, verify attendance, and determine when credit should be granted. The primary challenge is to remove unintentional barriers to distance learning.

One area of regulation that can create problems is the student/teacher ratio. In an effort to reduce class size, the legislature mandates certain student/teacher ratios and reduces funding for districts that do not maintain those ratios. In alternative learning programs, students may come in for only a few classes a week or a day, thus skewing student/teacher ratio formulas. State restrictions on class size should consider the realities of online teaching and learning, allowing districts the flexibility to allocate resources efficiently.

Other regulations that may need to be reexamined in the light of distance learning include: 1) restricting alternative learning centers from accepting part-time students, 2) requiring Washington certification of teachers, 3) restricting reasons for interdistrict transfers, and 4) hour attendance requirements. When necessary, school districts could be allowed to seek waivers from some of these requirements to implement a distance-learning program.

Modify public education cash flow so money can be spent where a student needs it.

Public education funding too often gets sidetracked in myriad administrative or specialty programs, each with its own forms to fill out and records to keep. The allocation of education dollars should be revised so the vast majority of the money flows to a student's school and classroom. This would not only provide more flexibility for purchasing online courses when needed, it would improve the focus of education in general.

Students in Washington have the possibility of transferring from their resident district to a nonresident district, in which case the new district obtains the student funding. Transfers may be restricted, however, if a student's resident district is not supportive.[46] These rules may need to be modified to provide greater flexibility for students to pick the program that best matches their needs. If a large number of students seek transfers, some districts may feel they are "losing students." But students should not be treated as geographical prizes; they should be allowed to pursue the educational options that best meet their needs.

> ***"We're expanding the definition of public education."***
>
> –Bill Hainer, Principal, Sky Valley Education Center

Create a supportive atmosphere for districts pursuing distance-learning options.

Distance learning in Washington state is currently a matter of local discretion. School districts choose which courses to approve, whether to authorize distance learning for one or two courses or allow a full online education, and how to operate them. Local districts can evaluate whether current courses should be given credit, or they may decide to design their own courses. Teachers may supervise students taking distance-learning courses, or they may use the courses as a supplement to in-class instruction.

Promoting distance learning at the local level provides the schools with the maximum options to serve the needs of their students. The state role in distance learning should be supportive—promoting flexibility in policies and providing information rather than restricting choices.

Avoid enacting regulations and restrictions that would limit the development of a free market in distance learning.

The primary regulatory barriers to distance learning currently come from regulations that predate Internet technology. Distance learning is too new to have acquired many of its own regulations. Given the natural tendency of things, it is likely to attract more regulation in the near future.

To date, teacher unions appear to be cautiously approving of distance learning, as long as programs continue to employ certified teacher members at the same rate as traditional education services. In the near future, distance learning is likely to be a topic of collective bargaining agreements. At the college level, NEA notes: "When distance-learning policy is included in the collective bargaining agreement, the institution is significantly more likely to offer distance-learning training courses on a regular basis than when it is not included in the agreement."[47] Although adequate training for teachers is an important part of a successful distance-learning program, subjecting distance learning to a collective bargaining agreement may destroy much of the flexibility that is its primary advantage.

Some educators called for greater standardization and regulation in the content, format, or teacher qualifications of distance-course offerings. While outside analysis is helpful, it is the local district and school who has on-the-ground experience with distance-learning programs. Restricting who can offer courses, what they can offer, or how it can be offered would stifle innovation in a field that is only beginning to develop.

Districts should examine technology budgets to ensure adequate teacher training and maintenance are funded.

Funding technology means a lot more than buying computers. Using technology effectively requires ongoing repair, upgrades, and training for those using it. Teachers report feeling relatively ill-prepared to use technology in the classroom. Generally, they are receiving only limited and basic instruction on technology.[48]

To fund ongoing costs, such as maintenance and depreciation, or in leasing equipment (which may be more cost-effective than buying), Washington law restricts schools from using capital bonds, which may only be used for one-time costs. The Washington State Educational Technology plan recommends changing restrictions so that districts can use bond and levy money to fund the necessary ongoing costs of technology.[49]

Maintain a clear distinction between alternative education options and home-based instruction

Homeschool groups have expressed concern over the growth of public school alternative learning options programs because they do not allow parents the same degree of flexibility and control over curriculum. Many of these programs are marketed primarily or exclusively to homeschoolers to help public schools retain per-student allocations. "Homeschool" students participating in a public school alternative program are, in reality, public school students, with the same restrictions on religious content, and requirements for testing and complying with state curriculum objectives, as any public school.

It should be made clear to parents that public school alternative programs provide a way for parents to be more involved in the education of their children, but one distinct from homeschooling. School officials should also make it clear that parents still have the option of conducting home-based instruction. Legislators and state agencies must remain committed to maintaining the home-based instruction option separate from the public school.

This is not meant to argue against alternative education programs. These programs provide a great alternative for a certain group of parents—those who would like more involvement in their children's education, but also want a high level of guidance, support, and interaction with others. But they should not be allowed to supplant existing home-education options.

Appendix—Providers

This is not intended to be an exhaustive list of distance-learning resources, but is a fairly broad sample of the different options available. Schools based in Washington are marked by an asterisk.

State-operated virtual schools

Alabama Online High School: (Alabama only)
<http://aohs.state.al.us/>
Idaho Virtual High School:
<http://www.idvhs.org/>
Florida Virtual School:
(Courses available on a fee basis for students and schools outside Florida) <http://www.flvs.net/>
E-school: (Hawaii)
<http://www.eschool.k12.hi.us/>
Illinois Virtual High School:
<http://ivhs.org/>
Kentucky Virtual High School:
<http://www.kvhs.org/>
Louisiana Virtual School:
<http://www.lcet.doe.state.la.us/distance/>
Michigan Virtual High School:
<http://www.mivhs.org/>
North Dakota Division of Independent Study: <http://www.ndisonline.org/>
The Electronic High School: (Utah)
<http://www.ehs.uen.org/>
West Virginia Virtual School:
<http://virtualschool.k12.wv.us/vschool/>

University extensions

Brigham Young University Independent Study: <http://ce.byu.edu/is/site/index.dhtm>
Indiana University High School:
http://scs.indiana.edu/hs/hs.html.
K-12 Distance Learning Academy, Oklahoma State University Extension:
http://extension.okstate.edu/k12.htm.
SMSU Missouri Virtual School:
http://www.cnas.smsu.edu/e-highschool/.
University of California UC College Prep Initiative: (Offering AP courses for California schools that could not otherwise offer them.) <http://uccp.ucsc.edu>
University of Missouri-Columbia High School:
<http://cdis.missouri.edu/MUHighSchool/HShome.htm>
University of Nebraska-Lincoln Independent Study High School:
<http://cdis.missouri.edu/MUHighSchool/HShome.htm>
University of Oklahoma Independent Learning High School:
<http://ouilhs.ou.edu/>

Local Education Agencies

Most local education agency programs are designed to serve students within the local area; they often include an in-person component and are designed especially to appeal to local homeschoolers.

Babbage Net School: (New York)
<http://www.babbagenetschool.com/>
CAL Online: (California)
<http://www.cusd.com/calonline/Default.htm>
CCS Web Academy: (North Carolina)
<http://www.ccswebacademy.net/>
Clintondale Virtual High School: (Michigan)
<http://www.clintondalevhs.org/>
COOLschool: (Oregon)
<http://www.cyberschool.k12.or.us/>
Duncanville ISD Virtual School: (Texas)
<http://www.duncanvillevschool.org/>
eHigh School: (Georgia)
<http://www.cobb.k12.ga.us/~elearning/ehighclass.htm>
Plano ISD eSchool: (Texas)
<http://planoisdeschool.net/home.html>
E-School: (Kansas)
<http://www.usd259.com/eschool/>
***Evergreen Internet Academy**: (Evergreen School District, Washington)
<http://eia.egreen.wednet.edu/>
Gwinnett County Online Campus: (Georgia)
<http://gwinnettk12online.net/>
HISD Virtual School: (Texas)
<http://hs.houstonisd.org/virtualschool/>
***Internet Academy**: (Federal Way Public Schools, Washington):
<http://www.iacademy.org/index.html>
JeffcoNet Academy: (Colorado)
<http://jeffcoweb.jeffco.k12.co.us/access/academy/>
Juneau Cyber School: (Alaska)
<http://jcs.jsd.k12.ak.us/>
Mindquest: (Minnesota)
<http://www.mindquest.org/>
Monte Vista's Online Academy: (Colorado)
<http://monte.k12.co.us/ola/index.htm>
Oakland Virtual Connection: (Michigan)
<http://www.oakland.k12.mi.us/ovconnect/>
Rock Hill School District Three Virtual High School: (South Carolina)
<http://www.rock-hill.k12.sc.us/departments/vhs/>
SeeUonline: (Alaska)
<http://www.seeuonline.org/>
SK Online: (Oregon)
<http://www.skonline.org/>
***Sky Valley Education Center** (Monroe Public Schools, Washington):
<http://www.monroe.wednet.edu/SCHOOLS/SKY_VALLEY/default.html>
Southern Oregon Online School: (Oregon)
<http://www.jacksonesd.k12.or.us/it/soos/>
VILAS: (Colorado)
<http://www.vilas.k12.co.us/vilas/vilas.htm>
Virtual High School @ PWCS: (Virginia)
<http://www.pwcs.edu/pwcsvirtualhs/>

Charter Schools

21st Century Cyber Charter School: (Pennsylvania) <http://www.21stcenturycyber.org/>
Basehor-Linwood Virtual Charter School: (Kansas)
<http://vcs.usd458.k12.ks.us/>
Choice 2000: (California)
<http://www.choice2000.org/>
Clark County Cyber Schoolhouse: (Nevada)
<http://www.ccsd.net/its/cccs/>
Delta Cyber School: (Alaska)
<http://www.dcs.k12.ak.us/>
Electronic Classroom of Tomorrow: (Ohio)
<http://www.ecotohio.org/>
Electronic Charter School: (Kansas)
<http://www.onlineECS.org/>
Midwestern Regional Virtual Charter School:
<http://www.miu4.k12.pa.us/virtualweb/chartersch.html>
Odyssey Charter School: (Nevada)
<http://www.odysseycs.org/>
Pennsylvania Learners Online:
<http://www.palearnersonline.net/>
Pennsylvania Virtual Charter School:
<http://www.pavcs.org/>
Treca Digital Academy: (Ohio)
<http://tda.treca.org/>
SusQ Cyber Charter School: (Pennsylvania)
<http://www.susqcyber.org/>
Western Pennsylvania Cyber Charter School:
<http://www.wpccs.com/>

Other Public Entities and Cooperatives

Virtual High School: (Consortia of high schools around the country)
<http://www.govhs.org/website.nsf>
AP Nexus: (Southern Regional Education Board program offering online AP courses)
<http://www.apnexus.sreb.org/>
Colorado Online School Consortium: (Supplemental courses for Colorado students)
<http://www.cosc.k12.co.us>
ECO 2000 Cybserschool: (Special interest courses in Aroostook County, Maine)
<http://www.eco2000.org/consortium/>
Lancaster-Lebanon Intermediate Unit 13: (offers Apex Learning courses in Pennsylvania)
<http://www.iu13.k12.pa.us/tech/Apex.html>
Minnesota Distance Learning Academy: (Class.com provided courses)
<http://www.swsc.org/mdla/>
Texas Virtual School: (High school, AP, and professional development through multiple education service districts)
<http://www.texasvirtualschool.org/>

Virtual Greenbush: (elementary, middle and high school courses, and professional development through Kansas regional center)
<http://www.virtualgreenbush.org/>
***Washington Virtual Classroom:** (Cooperative of several rural districts)
<http://www.wavcc.org/wvc/>

Private, State or Regionally Accredited

***Christa McAuliffe Academy:**
<http://www.cmacademy.org/>
Compuhigh Online High School:
<http://www.compuhigh.com/>
Intelligent Education, Inc.:
<http://www.intelligented.com/>
Internet Home School:
<http://www.internethomeschool.com/>
Keystone Virtual High School:
<http://www.keystonehighschool.com/>
Laurel Springs School:
<http://www.laurelsprings.com/>
Phoenix Special Programs:
<http://www.phoenixacademies.org/>
WISE Internet High School, Richard Milburn High School:
<http://www.rmhs.org/>

Private, Other

Alpha Omega Academy: (all grades, Christian) <http://www.welcometoclass.com>
Dennison On-Line Internet School:
<http://www.dennisononline.com/>
Eldorado Academy:
<http://www.eldoradoacademy.org/>
Futures International High School:
<http://www.internationalhigh.org/>
Garden Schools: (Christian, ages 5-15)
<http://www.gardenschools.com/>
Oak Meadow Online: (Grades 6-8)
<http://www.oakmeadow.com/curriculum/online.htm>
The Potter's School: (Christian)
<http://www.pottersschool.com/>
Regina Coeli Academy: (Catholic, classical)
<http://www.reginacoeli.org/>
Scholars' Online Academy: (Christian, classical, affiliated with Regina Coeli)
<http://www.islas.org/sola.html>
Schola Classical Tutorials: (Christian, classical)
<http://www.schola-tutorials.com/>
Sycamore Tree Online: (3-12, using Alpha Omega's curriculum)
<http://www.sycamoretree.com/>
The Trent Schools:
<http://www.theschools.com/trent_online.htm>
USA International On-line School: (Affiliated with VILAS)
<http://www.usainternationalonlineschool.com/>
Willoway School:
<http://www.willoway.com/>

Content and infrastructure providers

Academic Systems: (writing and math courses)
<http://www.academicsystems.com/>
Apex Learning: (AP courses)
<http://www.apexlearning.com/>
Blackboard: (course infrastructure)
<http://www.blackboard.com/>
Compass Learning Odyssey: (elementary courses) <http://www.childu.com/>
Class.com: (high school courses)
<http://www.class.com/>
eClassroom: (course infrastructure)
<http://www.eclassroom.com/>
Jones Knowledge: (courses and infrastructure) <http://www.jonesknowledge.com/>
K-12: (courses for K-5 so far)
<http://www.k12.com/>
Lotus: (course infrastructure and conferencing)
<http://www.lotus.com/>
NCS Pearson: (courses, student management, and testing–includes NovaNet)
<http://www.ncspearson.com/k12/index.htm>
Virtuallaboratory.net: (science course materials) <http://www.virtuallaboratory.net/>
WebCT: (course infrastructure, course content)
<http://www.webct.com/>

Other Resources

AskEric distance education information:
<http://www.askeric.org/cgi-bin/res.cgi/Educational_Technology/Distance_Education>
Distance-Educator.com:
<http://www.distance-educator.com/>
Distance Learning Resource Network:
<http://www.dlrn.org/>
United States Distance Learning Association:
<http://www.usdla.org/>
Web-Based Education Commission:
<http://www.hpcnet.org/webcommission>

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